रजिस्ट्री सं. डी.एल. (एन) 04/0007/2003—05 REGD. NO. D. L. (N) 04/0007/2003—05

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-सा.-27032024-253368
CG-DL-W-27032024-253368

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 09] नई दिल्ली, मार्च 3—मार्च 9, 2024, शनिवार/फाल्गुन 13—फाल्गुन 19, 1945
No. 09] NEW DELHI, MARCH 3— MARCH 9, 2024, SATURDAY/ PHALGUNA 13– PHALGUNA 19, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 29 फरवरी, 2024

का.आ. 404.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्द्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, इरबिल में संजय कुमार गुप्ता, सहायक अनुभाग अधिकारी, को दिनांक 29 फ़रवरी 2024 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/01/2024(07)]

एस. आर. एच. फहमी, निदेशक (सीपीवी)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 29th February, 2024

S.O. 404.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Sanjay Kumar Gupta, Assistant Section Officer, as Assistant Consular Officer in Consulate General of India, Erbil, to perform the Consular services with effect from 29 February 2024.

[F. No. T.4330/01/2024(07)]

S.R.H. FAHMI, Director (CPV)

नई दिल्ली, 29 फरवरी, 2024

का.आ. 405.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, दुबई में संदीप कुमार, सहायक अनुभाग अधिकारी, को दिनांक 29 फ़रवरी 2024 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2024(08)]

एस. आर. एच. फहमी, निदेशक (सीपीवी)

New Delhi, the 29th February, 2024

S.O. 405.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Sandeep Kumar, Assistant Section Officer as Assistant Consular Officer in Consulate General of India, Dubai to perform the consular services with effect from 29 February 2024.

[F. No. T. 4330/01/2024(08)]

S.R.H. FAHMI, Director (CPV)

नई दिल्ली, 29 फरवरी, 2024

का.आ. 406.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारतीय दूतावास ज़ाग्रेब में नरेश कुमार, सहायक अनुभाग अधिकारी, को दिनांक 29 फ़रवरी 2024 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2024(09)]

एस. आर. एच. फहमी, निदेशक (सीपीवी)

New Delhi, the 29th February, 2024

S.O. 406.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Naresh Kumar, Assistant Section Officer as Assistant Consular Officer in Embassy of India, Zagreb to perform the consular services with effect from 29 February 2024.

[F. No. T. 4330/01/2024(09)]

S.R.H. FAHMI, Director (CPV)

नई दिल्ली, 1 मार्च, 2024

का.आ. 407.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास म्यूनिक में अभिषेक सिंह यादव, सहायक अनुभाग अधिकारी, को दिनांक मार्च 01, 2024 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2024(10)]

एस. आर. एच. फहमी, निदेशक (सीपीवी)

New Delhi, the 1st March, 2024

S.O. 407.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Abhishek Singh Yadav, Assistant Section Officer as Assistant Consular Officer in Consulate General of India, Munich to perform the consular services with effect from March 01, 2024.

[F. No. T. 4330/01/2024(10)]

S.R.H. FAHMI, Director (CPV)

कृषि एवं किसान कल्याण मंत्रालय

(कृषि एवं किसान कल्याण विभाग)

नई दिल्ली, 4 मार्च, 2024

का.आ. 408.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में एतद्वारा कृषि एवं किसान कल्याण विभाग, कृषि एवं किसान कल्याण मंत्रालय के संबद्ध कार्यालय विपणन एवं निरीक्षण निदेशालय (डीएमआई) के अधीन क्षेत्रीय कार्यालय, दूसरा तल, केन्द्रीय सदन, सुल्तान बाजार, हैदराबाद-500095 के 80% कार्मिकों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:-

[फा. सं. 3-3/2011-हिन्दी नीति]

शुभा ठाकुर, अपर सचिव

MINISTRY OF AGRICULTURE AND FARMER'S WELFARE

(Department of Agriculture and Farmer's Welfare)

New Delhi, the 4th March, 2024

S.O. 408.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies Regional office, Second floor, kendriya sadan, Sultan Bazar, Hydrabad-500095 under the Directorate of Marketing and Inspection (DMI) an attached office of the Department of Agriculture and Farmer`s Welfare, Ministry of Agriculture and farmer's Welfare, 80% Staff whereof have acquired the working knowledge of Hindi:-

[F. No. 3-3/2011-Hindi Neeti]

SHUBHA THAKUR, Addl. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 2024

का.आ. 409.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3026(अ) तारीख 28.06.2023 जो भारत के असाधारण राजपत्र, तारीख 07.07.2023, में प्रकाशित की गयी थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में मुंबई – नागपूर – झारसुगुडा प्राकृतिक गैस पाइपलाइन के खंड नागपूर – झारसुगुडा पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने जनता से प्राप्त आक्षेपों को परीक्षण के उपरांत निपटान कर दिया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

मुम्बई–नागपुर–झारसुगुडा प्राकृतिक गैस पाइप लाइन

अनुभाग – नागपुर – झारसुगुडा

राज्य : महाराष्ट्र

जिला	तालुका	गॉव का नाम	सर्वे नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5		
नागपूर	मौदा	खंडाळा	13	00	41	12
			12	00	15	49
			14	00	07	08
			15	00	32	77
			21	00	18	02
			167	00	05	47
			25	00	09	00
			24	00	15	00
			27	00	07	04
			23	00	36	82
			35	00	43	87
			36	00	02	90
			34	00	32	40

	43	00	12	98
	47	00	14	00
	44	00	00	01
	48	00	48	54
	49	00	13	98
	176	00	08	85
	52	00	20	43
	51	00	12	34

[फा. सं. एल-14014/1/2022-जीपी-II(ई-41343)]

रामजीलाल मीना, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th February, 2024

S.O. 409.—Whereas by Notification of Government of India, in Ministry of Petroleum & Natural Gas vide S.O.No 3026(E) dated 28.06.2023; issued under sub - section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of right of users in land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated 07.07.2023, the Government of India declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying Pipeline for transportation of natural gas through Mumbai – Nagpur – Jharsuguda (Section:- Nagpur - Jharsuguda) pipeline in the State of Maharashtra by GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public;

And whereas the objections received from the public to the laying of the pipeline have been considered of by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section (6) of the said Act, submitted its report to Government of India;

And whereas Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub section (1) of section (6) of the said Act, the Government of India hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of powers conferred by sub section (4) of the Section (6) of the said Act, Government of India hereby directs the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on the this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

Mumbai-Nagpur-Jharsuguda Natural Gas Pipeline						
Section- Nagpur-Jharsuguda						
State : Maharashtra						
District	**Taluka**	**Village**	**Survey No.**	**Area**		
				Hect.	**Are**	**Sq. mtr.**
1	**2**	**3**	**4**	**5**		
Nagpur	Mauda	Khandala	13	00	41	12
			12	00	15	49
			14	00	07	08
			15	00	32	77
			21	00	18	02
			167	00	05	47
			25	00	09	00
			24	00	15	00

	27	00	07	04
	23	00	36	82
	35	00	43	87
	36	00	02	90
	34	00	32	40
	43	00	12	98
	47	00	14	00
	44	00	00	01
	48	00	48	54
	49	00	13	98
	176	00	08	85
	52	00	20	43
	51	00	12	34

[F. No. L-14014/1/2022-GP - II(E-41343)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 23 फरवरी, 2024

का.आ. 410.—दिनांक 15.02.2021 को भारत के असाधारण राजपत्र में प्रकाशित दिनांक 11.02.2021 की भारत सरकार की अधिसूचना संख्या का.आ. 670 (अ) के आंशिक संशोधन और पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार एतदद्वारा, तमिल नाडु राज्य में मैसर्स गेल (इंडिया) लिमिटेड की सभी प्राकृतिक गैस पाइपलाइन परियोजनाओं के लिए पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री एस. अयप्पन, उप समाहर्ता, तमिलनाडु सरकार को श्री एम. गुनासीलन, उप समाहर्ता, होसुर, कृष्णागिरि जिला, तमिलनाडु सरकार के स्थान पर, प्रतिनियुक्ति के आधार पर, सक्षम प्राधिकारी के कार्यो का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/21/2016-जीपी-II(ई-45203)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 23rd February, 2024

S.O. 410.—In partial modification of Government of India notification no. S.O. 670(E) dated 11.02.2021 published in the Extraordinary Gazette of India dated 15.02.2021 and in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes Shri S. Iyappan, Deputy Collector, Government of Tamil Nadu vice Shri M. Gunaseelan, Deputy Collector, Hosur, Krishnagiri District, Government of Tamil Nadu to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, on deputation basis, for all Natural Gas Pipeline Projects of M/s GAIL (India) Limited in the State of Tamil Nadu.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/21/2016-GP-II (E-45203)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 23 फरवरी, 2024

का.आ. 411.—जबकि भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में **मुम्बई – नागपुर – झारसुगुडा नेचुरल गैस पाइपलाइन खंड नागपुर – झारसुगुडा पाइपलाइन खंड** के माध्यम से प्राकृतिक गैस परिवहन के लिए मेसर्स गेल (इण्डिया) लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ।

और भारत सरकार को उक्त पाइप लाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि के उपयोग का अधिकार का अर्जन किया जाए ।

अत: अब भारत सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकर का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती है, 21 दिन के भीतर उस भूमि के नीचे पाइप लाइन बिछाए जाने की संबंध में सक्षम प्राधिकारी भुसंपादन (एम.एन.जे.पी.एल. प्रकल्प) गेल (इण्डिया) लिमिटेड 100, राणा हाउस, 2 रा माला, ईस्ट हायकोर्ट रोड, रामदासपेठ, नागपूर - 440010 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मुंबई–नागपुर–झारसुगुडा प्राकृतिक गैस पाइप लाइन						
अनुभाग – नागपुर–झारसुगुडा						
राज्य : महाराष्ट्र						
जिला	तालुका	गॉव का नाम	सर्वे नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्ग मीटर
1	2	3	4	5		
नागपूर	मौदा	खंडाळा	Asphalted Road	00	05	18
			2	00	96	46
			5	00	18	02
			Canal	00	05	47
			21	00	47	27
			20	00	03	44
			22	00	03	60
			23	00	36	82
			Nala	00	03	89
			30/A	00	46	77
			30/B	00	32	40
			31	00	12	98
			Nala	00	19	99
			39	00	16	15
			36	00	00	01
			33	00	41	50
			35	00	07	04
			34	00	13	98
			Ramtek Canal	00	08	85
			46	00	20	43
			45	00	12	34

[फा. सं. एल-14014/1/2022-जीपी-II (ई-41343)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 23rd February, 2024

S.O. 411.—Whereas it appears to Government that it is necessary in the public interest that for transportation of Natural Gas through **Mumbai – Nagpur – Jharsuguda Natural Gas Pipeline** Section of **Nagpur – Jharsuguda** in the state of **Maharashtra**, a pipeline should be laid by M/s. GAIL (India) Limited.

And whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule, may within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of used therein or laying of the pipeline under the land to the Competent Authority Land Acquisition, (M.N.J.P.L. Project) GAIL (India) Limited, 100, Rana House, 2nd Floor, East High Court Road, Ramdaspeth, Nagpur 440010.

SCHEDULE

Mumbai-Nagpur-Jharsuguda Natural Gas Pipeline						
Section - Nagpur – Jharsuguda						
State : Maharashtra						
District	**Taluka**	**Village**	**Survey No.**	**Area**		
				Hect.	**Are**	**Sq. mtr.**
1	**2**	**3**	**4**	**5**		
Nagpur	Mauda	Khandala	Asphalted Road	00	05	18
			2	00	96	46
			5	00	18	02
			Canal	00	05	47
			21	00	47	27
			20	00	03	44
			22	00	03	60
			23	00	36	82
			Nala	00	03	89
			30/A	00	46	77
			30/B	00	32	40
			31	00	12	98
			Nala	00	19	99
			39	00	16	15
			36	00	00	01
			33	00	41	50
			35	00	07	04
			34	00	13	98
			Ramtek Canal	00	08	85
			46	00	20	43
			45	00	12	34

[F. No. L-14014/1/2022-GP - II(E-41343)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 23 फरवरी, 2024

का.आ. 412.—जबकि भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मुंबई-नागपुर–झारसुगुड़ा नेचरल गैस पाइपलाइन खंड नागपुर–जबलपुर पाइपलाइन खंड के माध्यम से प्राकृतिक गैस के परिवहन के लिए मेसर्स गेल (इंडिया) लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और भारत सरकार को उक्त पाइपलाइन बिछानें के प्रयोजन के लिए यह आवश्यक प्रतीत होता हे कि उस भूमि जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से सलग्न अनुसूची में वर्णित भूमि के उपयोग अधिकार का अर्जन किया जाए।

अतः अब भारत सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि मे उपयोग के अधिकार का अर्जन करने के अपने आषय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची मे वर्णित भूमि में हितबद्ध है। उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति यो साधारण जनता को उपलब्ध कर दी जाती हैए 21 दिन के भीतर उस भूमि के नीचे पाइपलाइन बिछाए जाने की सम्बंध में सक्षम प्राधिकारी मध्य प्रदेश राज्य मेसर्स गेल (इंडिया) लिमिटेड को लिखित रूप मे आक्षेप भेज सकेगा।

अनुसूची

मुम्बई–नागपुर–झारसुगुडा प्राकृतिक गैस पाइपलाइन						
अनुभाग–नागपुर–जबलपुर						
अनुसूची						
राज्य : मध्यप्रदेश						
जिला	तहसील	गॉव का नाम	सर्वे नं.	क्षेत्रफल		
				हेक्टेअर	आर	वर्गमीटर
1	2	3	4	5		
छिंदवाड़ा	चौरई	नारायणपुर	7	00	01	05
छिंदवाड़ा	चौरई	जमुनिया	338	00	01	00
			342/1/6	00	12	75
सिवनी	सिवनी	जैतपुरखुर्द	112	00	02	69
सिवनी	सिवनी	चंदोरीकलां	543/7	00	01	05
सिवनी	सिवनी	जमुनिया	617/1	00	16	90
सिवनी	छपारा	घोघरी–14	2/3	00	18	50
सिवनी	लखनादौन	कुहिया	120/2	00	24	13
सिवनी	लखनादौन	बरबटी	187/8	00	04	20
सिवनी	लखनादौन	किसनपुर	189/5	00	07	67
सिवनी	लखनादौन	खुरसीपार	65/2	00	00	75
			63/1	00	02	01
			74	00	02	06
			46/8	00	00	77
सिवनी	लखनादौन	बंजारी	160	00	01	83
सिवनी	लखनादौन	मोहगांव	105	00	28	54

[फा. सं. एल-14014/4/2024--जीपी-II (ई-48898)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 23rd February, 2024

S.O. 412.—whereas it appears to Government that it is necessary in the public interest that for transportation of Natural Gas through **Mumbai – Nagpur – Jharsuguda Natural Gas Pipeline** Section of **Nagpur – Jabalpur** in the state of **Madhya Pradesh**,a pipeline should be laid by M/s. GAIL (india) Limited.

And whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule, may within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of used therein or laying of the pipeline under the land to the Competent Authority, State of **Madhya Pradesh,** M/s.GAIL (India) Limited.

SCHEDULE

Mumbai-Nagpur-Jharsuguda Natural Gas Pipeline						
Section- Nagpur – Jabalpur						
State : Madhya Pradesh						
District	**Tehsil**	**Village**	**Survey No.**	**Area**		
				Hect.	**Are**	**Sq. mtr.**
1	**2**	**3**	**4**	**5**		
Chhindwara	Chaurai	Narayanpur	7	00	01	05
CHHINDWARA	Chaurai	JAMUNIYA	338	00	01	00
			342/1/6	00	12	75
Seoni	Seoni	Jaitpurkhurd	112	00	02	69
Seoni	Seoni	Chandorikalan	543/7	00	01	05
Seoni	Seoni	Jamuniya	617/1	00	16	90
Seoni	Chhapara	Ghoghari-14	2/3	00	18	50
Seoni	Lakhnadon	Kuhiya	120/2	00	24	13
Seoni	Lakhnadon	Barbati	187/8	00	04	20
Seoni	Lakhnadon	Kisanpur	189/5	00	07	67
Seoni	Lakhnadon	Khursipar	65/2	00	00	75
			63/1	00	02	01
			74	00	02	06
			46/8	00	00	77
Seoni	Lakhnadon	Banjari	160	00	01	83
Seoni	Lakhnadon	Mohgaon	105	00	28	54

[F. No. L-14014/4/ 2024-GP - II(E-48898)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 23 फरवरी, 2024

का.आ. 413.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ 833(अ), तारीख 23 फरवरी, 2022, मे प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलंग्न अनुसूची मे विनिर्दिष्ट भूमि मे इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा तमिलनाडु राज्य मे एन्नोर– तिरुवल्लूर – बेंगलुरु – पुदुचेरी– नागपट्टिनम – मदुरै – टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 30.03.2022 से उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिल्हा : चेंगलपट्टु			**राज्य : तमिल नाडु**			
तालुका	**गाँव**	**सर्वेक्षण सं.-खण्ड सं.**	**उप खण्ड सं.**	**क्षेत्रफल**		
				हेक्टेर	**एयर**	**वर्ग मीटर**
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**
मदुरांतगम	63.वेलामूर	232	5ए	00	16	60
		232	2बी2बी	00	00	50
मदुरांतगम	43. एल.एंडाथुर	65	2बी2	00	00	30
		65	2ए	00	00	20
		65	1	00	10	60
		65	2बी3	00	00	65
		65	1	00	02	25
		63	2बी	00	04	20
		63	2ए	00	06	85
		63	3बी	00	00	85
		51	1	00	04	30
मदुरांतगम	47.लाडकरनाई	26	4	00	04	10
		26	5	00	03	55
		27	1	00	04	00
		27	2	00	00	40
जिल्हा : कांचीपुरम			**राज्य : तमिल नाडु**			
उथीरामेरूर	41.करियामंगलम	16	1	00	08	35
		18	-	00	01	28
उथीरामेरूर	64. कडलमंगलम	32	2ए1	00	17	30

		32	2बी	00	17	00
		32	3बी2	00	04	20
		32	5बी	00	03	00
		32	3बी1	00	04	80
		32	4	00	13	00
उथीरामेरूर	116.किलकाड़ी	201	3	00	12	10
उथीरामेरूर	117.पुल्लीपक्कम	9	1	00	01	85
		9	6	00	02	25
		9	4	00	07	20
		6	1ए	00	08	25
		6	3ए1	00	03	45
		6	3ए3ए	00	06	75
		6	3सी1	00	02	95
उथीरामेरूर	63.वाड़ावूर	173	9ए	00	09	00
उथीरामेरूर	67.अलंचेरी	122	2ए3	00	02	60
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**
उथीरामेरूर	45.मल्लियनकरनाई	176	2	00	04	75
		176	1बी	00	03	60
		176	1ए	00	12	95
		177	1	00	02	35
		237	2ए	00	03	50
		504	1	00	02	00
		504	2	00	07	20

[फा. सं. एल- 14014-20-2022-जीपी-II (ई-41607)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 23rd February, 2024

S.O. 413.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.833 (E) dated: 23.02.2022 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, through "Ennore- Thiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin" Natural Gas Pipeline in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 30.03.2022.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District : Chengalpattu			**State : Tamil Nadu**			
Taluk	**Village**	**Survey No. /Division No.**	**Sub Division No.**	**Area**		
				Hectare	**Are**	**Square Meter.**
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**
Maduranthagam	63.Velamur	232	5A	00	16	60
		232	2B2B	00	00	50
Maduranthagam	43L.Endathur	65	2B2	00	00	30
		65	2A	00	00	20
		65	1	00	10	60
		65	2B3	00	00	65
		64	1	00	02	25
		63	2B	00	04	20
		63	2A	00	06	85
		63	3B	00	00	85
		51	1	00	04	30
Maduranthagam	47.Laadakaranai	26/4	4	00	04	10
		26/5	5	00	03	55
		27/1	1	00	04	00
		27/2	2	00	00	40
District : Kancheepuram			**State : Tamil Nadu**			
UTHIRAMERUR	41.KARIAMANGALAM	16	1	00	08	35
		18	-	00	01	28
UTHIRAMERUR	64.KADALMANGALAM	32	2A1	00	17	30
		32	2B	00	17	00
		32	3B2	00	04	20
		32	5B	00	03	00
		32	3B1	00	04	80
		32	4	00	13	00
UTHIRAMERUR	116.KILAKADI	201/3	3	00	12	10
UTHIRAMERUR	117.PULIPAKKAM	9	1	00	01	85
		9	6	00	02	25
		8	4	00	07	20
		6	1A	00	08	25
		6	3A1	00	03	45
		6	3A3A	00	06	75

		6	3C1	00	02	95
UTHIRAMERUR	63.VADAVOOR	173	9A	00	09	00
UTHIRAMERUR	67.ALANCHERI	122	2A3	00	02	60
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**
UTHIRAMERUR	45.MALLIYANKARANAI	176	2	00	04	75
		176	1B	00	03	60
		176	1A	00	12	95
		177	1	00	02	35
		237	2A	00	03	50
		504	1	00	02	00
		504	2	00	07	20

[F. No. L-14014-20-2022-GP-II (E-41607)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 23 फरवरी, 2024

का.आ. 414.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि मेंउपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियमऔरप्राकृतिक गैस मंत्रालय की अधिसूचना संख़्या का. आ 3713(अ), तारीख 04 अगस्त 2022, मे प्रकाशित की गई थी,द्वारा उक्त अधिसूचना से संलंग्न अनुसूची मे विनिर्दिष्ट भूमि मे इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा तमिलनाडु राज्य मे एन्नोर– तिरुवल्लूर – बेंगलुरु – पुदुचेरी– नागपट्टिनम – मदुरै – टूटिकोरिन प्राकृतिक गैस पाइपलाइनके माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशयकी घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 06.08.2022 से उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अत: अब, केन्द्रीय सरकार,उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : तिरुवल्लूर				राज्य : तमिलनाडु		
तालुका	गाँव	सर्वेक्षणसं.- खण्डसं.	उपखण्डसं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
पोन्नेरी	74. एरणवाक्कम	155	2सी1ए1ए	00	10	90
		155	5	00	00	70
		155	6	00	00	90
		155	16	00	00	90
		155	4	00	00	40
		155	18	00	00	40
		155	7	00	00	55
		155	13	00	01	10
		155	12	00	00	85
		154	1ए6बी	00	01	25
		154	1ए6सी	00	02	75
		154	1ए6डी	00	03	15
		154	1ए5	00	04	55
		153	1	00	00	75
		148	2बी	00	03	10
		149	1	00	02	50
		149	2ए	00	00	90

[फा. सं. एल- 14014-164-2022-जीपी-II (ई-43921)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 23rd February, 2024

S.O. 414.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.3713(E) dated: 04.08.2022 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, through "Ennore- Thiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin" Natural Gas Pipeline in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 06.08.2022.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District: Tiruvallur				**State : Tamil Nadu**		
Taluk	**Village**	**Survey No. / Division No.**	**Sub Division No.**	**Area**		
				Hectare	**Are**	**Square Meter**
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**
Ponneri	74.Earnavakkam	155	2C1A1A	00	10	90
		155	5	00	00	70
		155	6	00	00	90
		155	16	00	00	90
		155	4	00	00	40
		155	18	00	00	40
		155	7	00	00	55
		155	13	00	01	10
		155	12	00	00	85
		154	1A6B	00	01	25
		154	1A6C	00	02	75
		154	1A6D	00	03	15
		154	1A5	00	04	55
		153	1	00	00	75
		148	2B	00	03	10
		149	1	00	02	50
		149	2A	00	00	90

[F. No. L-14014-164-2022-GP-II(E-43921)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 415.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है), की धारा 2 के खंड (क) के अनुसरण में, भारत सरकार एतदद्वारा नीचे दी गई तालिका के कॉलम (1) में उल्लिखित पद (पदों) धारी व्यक्ति (व्यक्तियों) को उक्त तालिका के कॉलम (2) में उल्लिखित क्षेत्रों के संबंध में मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड की नार्थ - ईस्ट नेचुरल गैस पाइपलाइन ग्रिड

परियोजना के लिए उक्त अधिनियम के तहत सक्षम प्राधिकारी (प्राधिकारियों) के कार्यों का निर्वहन करने हेतु प्राधिकृत करती है:-

तालिका

व्यक्तियों का पदनाम	क्षेत्राधिकार
(1)	(2)
1. उपायुक्त, सेनापति जिला, मणिपुर सरकार	मणिपुर राज्य के सेनापति जिले के अंतर्गत आने वाले क्षेत्र
2. उपायुक्त, कांगपोकपी जिला, मणिपुर सरकार	मणिपुर राज्य के कांगपोकपी जिले के अंतर्गत आने वाले क्षेत्र
3. उपायुक्त, इंफाल पश्चिम जिला, मणिपुर सरकार	मणिपुर राज्य के इंफाल पश्चिम जिले के अंतर्गत आने वाले क्षेत्र

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल- 14014/151/2021-जीपी-II (ई-40253)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 415.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes the person(s) holding the post(s) mentioned in column (1) of the Table given below to perform the functions of Competent Authority(s) under the said Act for North – East Natural Gas Pipeline Grid Project of M/s Indradhanush Gas Grid Limited in respect of the area mentioned in Column (2) of the said Table:-

TABLE

Designation of Persons	Areas of Jurisdiction
(1)	(2)
1. Deputy Commissioner, Senapati District, Government of Manipur	Areas falling under Senapati District, State of Manipur
2. Deputy Commissioner, Kangpokpi District, Government of Manipur	Areas falling under Kangpokpi District, State of Manipur
3. Deputy Commissioner, Imphal West District, Government of Manipur	Areas falling under Imphal West District, State of Manipur

2. This notification will be effective from the date of its issue.

[F. No. L-14014/151/2021-GP-II(E-40253)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 416.—दिनांक 06.12.2019 को भारत के असाधारण राजपत्र में प्रकाशित दिनांक 03.12.2019 की भारत सरकार की अधिसूचना संख्या का.आ. 4369 (अ) के आंशिक संशोधन और पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार एतदद्वारा, उत्तराखंड राज्य में मैसर्स गेल (इंडिया) लिमिटेड की सभी प्राकृतिक गैस पाइपलाइन परियोजनाओं के लिए पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री लक्ष्मी राज चौहान, उप समाहर्ता एवं विशेष भूमि अध्यापि अधिकारी, हरिद्वार, उत्तराखंड सरकार को श्री शैलेन्द्र सिंह नेगी (पीसीएस), उप समाहर्ता, हरिद्वार एवं उप मुख्य चुनाव अधिकारी, उत्तराखंड के स्थान पर, अतिरिक्त कार्यभार आधार पर, सक्षम प्राधिकारी के कार्यो का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल- 14014/5/2024-जीपी-II (ई-49066)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 416.—In partial modification of Government of India notification no. S.O. 4369(E) dated 03.12.2019 published in the Extraordinary Gazette of India dated 06.12.2019 and in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes Shri Laxmi Raj Chauhan, Deputy Collector and Special Land Acquisition Officer, Haridwar, Government of Uttarakhand in place of Shri Shailendra Singh Negi (PCS), Deputy Collector, Haridwar & Deputy Chief Election Officer, Uttarakhand to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, on additional charge basis, for all Natural Gas Pipeline Projects of M/s GAIL (India) Limited in the State of Uttarakhand.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/5/2024-GP-II(E-49066)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 417.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अंतर्गत मैसर्स रिलायंस ईथेन पाइपलाइन्स लिमिटेड (आर.ई.पी.एल) के द्वारा महाराष्ट राज्य में ईथेन पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 6 आगस्त, 2022 को प्रकाशित अधिसूचना का.आ. 3719 (अ) दिनांक 4 आगस्त, 2022 द्वारा प्राधिकृत, मैं, अनिल नाथूराम सावंत, उप–समाहर्ता (सेवानिवृत्त), पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उप–नियम (1) के नीचे दी गई परिभाषा (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आर.ई.पी.एल., जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, के परामर्श से संलग्न अनुसूची के स्तम्भ 4 में महाराष्ट्र राज्य के जिला ठाणे में प्रचालन की समाप्ति की तारीखें घोषित करता हूँ।

अनुसूची

मंडल / तहसील / तालुका : कल्याण		जिला : ठाणे			राज्य : महाराष्ट्र
क्र.स.	गांव का नाम	धारा 6(1) और 6(4) की का. आ. संख्या एवं दिनांक			प्रचालन समाप्ति का दिनांक
1	2	3			4
1	ओझर्ली	2669(अ)	दिनांक	24–09–2015	31–01–2018
2	राये	2669(अ)	दिनांक	24–09–2015	31–01–2018
3	निंबोवली	2669(अ)	दिनांक	24–09–2015	31–01–2018
4	गुरावली	2669(अ)	दिनांक	24–09–2015	28–01–2023
		137(अ)	दिनांक	28–12–2022	28–01–2023
5	उतने	2669(अ)	दिनांक	24–09–2015	31–01–2018
6	म्हसकल	2669(अ)	दिनांक	24–09–2015	31–01–2018
7	टिटवाळा	2669(अ)	दिनांक	24–09–2015	31–01–2018
8	घोटसई	2669(अ)	दिनांक	24–09–2015	31–01–2018
9	अनखर	2669(अ)	दिनांक	24–09–2015	31–01–2018
10	रेवती	2669(अ)	दिनांक	24–09–2015	30–11–2017
11	गोवेली	2669(अ)	दिनांक	24–09–2015	30–11–2017
		353(अ)	दिनांक	20–01–2017	30–11–2017
12	वाहोली	2669(अ)	दिनांक	24–09–2015	28–01–2023
		137(अ)	दिनांक	28–12–2022	28–01–2023

13	मांजली	2669(अ)	दिनांक	24–09–2015	12–05–2018
		2861(अ)	दिनांक	23–08–2016	12–05–2018
		353(अ)	दिनांक	20–01–2017	12–05–2018
		1610(अ)	दिनांक	12–04–2018	12–05–2018
14	दहागाव	2669(अ)	दिनांक	24–09–2015	30–11–2017
15	आपटी	2669(अ)	दिनांक	24–09–2015	30–11–2017
		353(अ)	दिनांक	20–01–2017	30–11–2017

मंडल / तहसील / तालुका : अंबरनाथ		जिला : ठाणे			राज्य : महाराष्ट्र
1	दापिवली	2669(अ)	दिनांक	24–09–2015	28–01–2023
		137(अ)	दिनांक	28–12–2022	28–01–2023
2	आंबेशिव बुद्रुक	2669(अ)	दिनांक	24–09–2015	30–06–2018
3	येरंजाड	2669(अ)	दिनांक	24–09–2015	30–06–2018
4	सोनिवली	2669(अ)	दिनांक	24–09–2015	30–06–2018
5	बदलापूर	2669(अ)	दिनांक	24–09–2015	30–06–2018
6	कान्होर	2669(अ)	दिनांक	24–09–2015	30–06–2018
7	इंदगांव	2669(अ)	दिनांक	24–09–2015	05–01–2023
		1280(अ)	दिनांक	23–03–2016	05–01–2023
		2861(अ)	दिनांक	23–08–2016	05–01–2023
		2862(अ)	दिनांक	24–08–2016	05–01–2023
		353(अ)	दिनांक	20–01–2017	05–01–2023
		1610(अ)	दिनांक	12–04–2018	05–01–2023
		5727(अ)	दिनांक	05–12–2022	05–01–2023
8	कुडसवरे	1280(अ)	दिनांक	23–03–2016	27–01–2023
		2862(अ)	दिनांक	24–08–2016	27–01–2023
		6146(अ)	दिनांक	27–12–2022	27–01–2023
9	डोने	1280(अ)	दिनांक	23–03–2016	27–01–2023
		6146(अ)	दिनांक	27–12–2022	27–01–2023

पेट्रोलियम और खनिज पाइपलाइन (भूमि मे उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संरचित पेट्रोलियम और खनिज पाइपलाइन (भूमि मे उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र में प्रकाशनार्थ

[फा. सं. एल- 14014/49/2018 जीपी-II (ई-44293)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 417.—In pursuance of powers conferred by Explanation 1 below sub-rule (1) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Lands) Rules, 1963, I, Anil Nathuram Sawant, Deputy Collector (Retired), authorized by Government of India, Ministry of Petroleum & Natural Gas vide Notification S.O.3719 (E) dated 4th Aug, 2022 (published in the Gazette of India on 6th Aug, 2022) under Section 2(a) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962) to perform the functions of Competent Authority for laying Ethane Pipeline by M/s Reliance Ethane Pipelines Limited (REPL) in the State of Maharashtra, in consultation with M/s REPL, to whom the Right of User in the land in that area has been vested and in whom the ownership of the pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of Termination of Operations in District Thane in the State of Maharashtra.

SCHEDULE

Mandal/Tehsil/ Taluk: Kalyan		**District : Thane**			**State : Maharashtra**
Sl. No.	**Village**	**S.O. No. and Date of Notification under sub-section (1) & (4) of Section 6**			**Date of Termination of Operation**
1	**2**	**3**			**4**
1	Ozarli	2669(E)	Date	24-09-2015	31-01-2018
2	Raye	2669(E)	Date	24-09-2015	31-01-2018
3	Nimbavali	2669(E)	Date	24-09-2015	31-01-2018

4	Guravali	2669(E)	Date	24-09-2015	28-01-2023
		137 (E)	Date	28-12-2022	28-01-2023
5	Utane	2669(E)	Date	24-09-2015	31-01-2018
6	Mhaskal	2669(E)	Date	24-09-2015	31-01-2018
7	Titawala	2669(E)	Date	24-09-2015	31-01-2018
8	Ghotsai	2669(E)	Date	24-09-2015	31-01-2018
9	Ankhar	2669(E)	Date	24-09-2015	31-31-2018
10	Revati	2669(E)	Date	24-09-2015	30-11-2017
11	Goveli	2669(E)	Date	24-09-2015	30-11-2017
		353(E)	Date	20-01-2017	30-11-2017
12	Vaholi	2669(E)	Date	24-09-2015	28-01-2023
		137 (E)	Date	28-12-2022	28-01-2023
13	Manjali	2669(E)	Date	24-09-2015	12-05-2018
		2861(E)	Date	23-08-2016	12-05-2018
		353(E)	Date	20-01-2017	12-05-2018
		1610(E)	Date	12-04-2018	12-05-2018
14	Dahagaon	2669(E)	Date	24-09-2015	30-11-2017
15	Apti	2669(E)	Date	24-09-2015	30-11-2017
		353(E)	Date	20-01-2017	30-11-2017

Mandal/Tehsil/Taluk: Ambarnath		**District : Thane**			**State : Maharashtra**
1	Dapivali	2669(E)	Date	24-09-2015	28-01-2023
		137 (E)	Date	28-12-2022	28-01-2023
2	Ambeshiv Budruk	2669(E)	Date	24-09-2015	30-06-2018
3	Yeranjad	2669(E)	Date	24-09-2015	30-06-2018
4	Sonivali	2669(E)	Date	24-09-2015	30-06-2018
5	Badlapur	2669(E)	Date	24-09-2015	30-06-2018
6	Kanhor	2669(E)	Date	24-09-2015	30-06-2018
7	Indgaon	2669(E)	Date	24-09-2015	05-01-2023
		1280(E)	Date	23-03-2016	05-01-2023
		2861(E)	Date	23-08-2016	05-01-2023
		2862(E)	Date	24-08-2016	05-01-2023
		353(E)	Date	20-01-2017	05-01-2023
		1610(E)	Date	12-04-2018	05-01-2023
		5727(E)	Date	05-12-2022	05-01-2023
8	Kudsaware	1280(E)	Date	23-03-2016	27-01-2023
		2862(E)	Date	24-08-2016	27-01-2023
		6146 (E)	Date	27-12-2022	27-01-2023
9	Done	1280(E)	Date	23-03-2016	27-01-2023
		6146(E)	Date	27-12-2022	27-01-2023

Published in the Official Gazette of India under Rule 4 of the P&MP (ARUL) Rules 1963, framed under Section 17 of P&MP (ARUL) Act, 1962

[F. No. L-14014/49/2018-GP-II(E-44293)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 418.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पष्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 4977(अ) तारीख अक्टूबर 26, 2023 जो क्रमषः भारत के असाधारण राजपत्र तारीख 17.11.2023 में प्रकाषित की गयी थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा पष्चिम बंगाल राज्य में बरौनी–गुवाहाटी पाइपलाइन (बी जी पी एल) के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आषय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को उपलब्ध करा दी गई थी;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पष्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइने बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिष्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइने बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देष देती है कि पाइपलाइने बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाषन की तारीख को, भारत सरकार में निहित होने के बजाए, पाइपलाइने बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा ओर तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनो और शर्तो के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

बरौनी - गुवाहाटी पाइप लाइन परियोजना
अनुसूची

राज्य - पश्चिम बंगाल

जिला	थाना	मौजा	थाना नं	सर्वे नं	क्षेत्रफल हेक्टेअर-आर-वर्ग मीटर		
1	2	3	4	5	6		
दार्जिलिंग	फांसीदेवा	महिपाल	८८	221	00	23	08
				223	00	02	62
				224	00	03	57
				225	00	04	34
				226	00	00	06
				1111	00	03	69
				1112	00	01	41
				239	00	00	23
				275	00	01	00
				1137	00	11	90
				277	00	15	35
				278	00	04	67
				283	00	04	01
दार्जिलिंग	फांसीदेवा	लालदास	८१	626	00	04	19
				625	00	13	44
				622	00	03	46
				621	00	01	65
				620	00	03	77
				619	00	02	61
				618	00	10	85

				616	00	00	10
				607	00	06	08
				605	00	01	31
				604	00	13	97
				603	00	00	30
				601	00	01	41
दार्जिलिंग	फांसीदेवा	लिउसीपुकुरी	८४	1841	00	02	11
				1842	00	18	59
				1843	00	02	70
				1846	00	00	36
				1503	00	04	76
				1502	00	04	41
				1501	00	01	01
				1499	00	00	53
				1498	00	32	84
				1497	00	05	33
				1495	00	00	50
				1494	0	03	58

[फा. सं. एल- 14014-244-2022-जीपी-II(ई-45379)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 418.—Whereas by Notification of Government of India in Ministry of Petroleum & Natural Gas number S.O. 4977 (E) dated 26.10.2023 issued under sub - section (1) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated 17-11-2023, the Government of India declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying Pipeline for transportation of natural gas through Barauni-Guwahati Pipeline (BGPL) in the State of West Bengal by GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public;

And whereas the Competent Authority has, under sub-section (1) of section (6) of the said Act, submitted its report to Government of India;

And whereas Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub section (1) of section (6) of the said Act, the Government of India hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of powers conferred by sub section (4) of the Section (6) of the said Act, Government of India hereby directs the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on the this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

BARAUNI - GUWAHATI PIPELINE PROJECT **State : West Bengal**							
District	**Thana**	**Village**	**JL No.**	**Survey No.**	**Area**		
					Hect.- Are - Sq. mtr.		
1	**2**	**3**	**4**	**5**	**6**		
Darjeeling	Phansidewa	Mahipal	88	221	00	23	08
				223	00	02	62
				224	00	03	57
				225	00	04	34
				226	00	00	06
				1111	00	03	69
				1112	00	01	41
				239	00	00	23
				275	00	01	00
				1137	00	11	90
				277	00	15	35
				278	00	04	67
				283	00	04	01
Darjeeling	Phansidewa	Laldas	81	626	00	04	19
				625	00	13	44
				622	00	03	46
				621	00	01	65
				620	00	03	77
				619	00	02	61
				618	00	10	85
				616	00	00	10
				607	00	06	08
				605	00	01	31
				604	00	13	97
				603	00	00	30
				601	00	01	41
Darjeeling	Phansidewa	Liusipukuri	84	1841	00	02	11
				1842	00	18	59
				1843	00	02	70
				1846	00	00	36
				1503	00	04	76
				1502	00	04	41
				1501	00	01	01
				1499	00	00	53
				1498	00	32	84

	1497	00	05	33
	1495	00	00	50
	1494	0	03	58

[F. No. L-14014-244-2022-GP-II(E-45379)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 419.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख़्या का.आ 3711(अ), तारीख 05 अगस्त 2022 मे प्रकशित की गई थी, द्ववारा उस अधिसूचना से संलंग्न अनुसूची में विनिर्दिष्ट भूमि मे इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वरा तमिल नाडू राज्य में एन्नोर– तिरुवल्लूर – बेंगलुरु– पांडिचेरी – नागपट्टिनम – मदुरै – टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आश्य की घोषणा की थी।

और उक्त आधिसूचना की प्रतियाँ जनता को तारीख 09.08.2022 को उपलब्द करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अत: अब, केन्द्रीय सरकार,उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार,उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए,सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

पैट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : थिरुवरूर **राज्य : तमिलनाडु**

तालुका	गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
नन्नीलम	1-1- कोल्लुमांगुड़ी	304	2	00	24	40
		303	2	00	13	50
		303	4	00	22	30
		302	1	00	40	30

		302	2	00	03	90
		297	2	00	09	30
		297	3	00	06	20
		297	4	00	07	70
		297	5	00	06	80
		296	3	00	10	80
		296	6	00	07	25
		292	2ए	00	16	30
		292	2बी	00	02	00
		292	4ए	00	00	45
		292	4बी	00	05	05
		292	4सी/2	00	03	25
		291	1बी	00	02	90
		291	2	00	03	15
		291	3	00	03	60
		287	4	00	02	30
नन्नीलम	1-1- कोल्लुमांगुड़ी	287	10	00	02	85
		287	5	00	03	70
		287	6	00	06	00
		287	7	00	00	85
		284	2	00	16	20
		285	5	00	06	70
		283	1ए	00	14	10
		283	1बी	00	02	95
		319	2बी	00	03	50
		319	2ए	00	00	40
		319	3बी	00	15	70
		329	14	00	03	50
		333	5बी	00	00	95
		333	6	00	08	05
		333	7ए	00	06	25

[फा. सं. एल- 14014-162-2022-जीपी-II (ई-43918)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 419.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.3711(E) dated: 05.08.2022 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, a pipeline "Ennore- Tiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin" should be laid in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 09.08.202

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District: Thiruvarur				**State: Tamil Nadu**		
Taluk	**Village**	**Survey nos**	**Sub Division**	**Area**		
				Hectare	**Are**	**Square Meter**
1	**2**	**3**	**4**	**5**	**6**	**7**
Nannilam	**1-1 Kollumangudi**	304	2	00	24	40
		303	2	00	13	50
		303	4	00	22	30
		302	1	00	40	30
		302	2	00	03	90
		297	2	00	09	30
		297	3	00	06	20
		297	4	00	07	70
		297	5	00	06	80
		296	3	00	10	80
		296	6	00	07	25
		292	2A	00	16	30
		292	2B	00	02	00
		292	4A	00	00	45
		292	4B	00	05	05
		292	4C2	00	03	25
		291	1B	00	02	90
		291	2	00	03	15

	291	3	00	03	60
	287	4	00	02	30
	287	10	00	02	85
	287	5	00	03	70
	287	6	00	06	00
	287	7	00	00	85
	284	2	00	16	20
	285	5	00	06	70
	283	1A	00	14	10
	283	1B	00	02	95
	319	2B	00	03	50
	319	2A	00	00	40
	319	3B	00	15	70
	329	14	00	03	50
	333	5B	00	00	95
	333	6	00	08	05
	333	7A	00	06	25

[F. No. L-14014-162-2022-GP-II (E-43918)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 27 फरवरी, 2024

का.आ. 420.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख़्या का आ .3712(**अ**), तारीख 05 अगस्त 2022 मे प्रकशित की गई थी, द्ववारा उस अधिसुचना से संलंग्न अनुसूची में विनिर्दिष्ट भूमि मे इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वरा तमिल नाडू राज्य में एन्नोर– तिरुवल्लूर – बेंगलुरु – पांडिचेरी –नागपट्टिनम – मदुरै – टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आश्य की घोषणा की थी।

और उक्त आधिसूचना की प्रतियाँ जनता को तारीख 09.08.2022 को उपलद्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अत: अब, केन्द्रीय सरकार,उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

पैट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : थिरुवरूर		राज्य : तमिलनाडु				
तालुका	गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
थिरुवरूर	4-2– कुरुम्भेरी	338	1बी	00	10	80
		338	2ए1	00	04	70
		489	1ए1	00	09	00
		495	1	00	35	50
		497	7	00	08	60
		497	8	00	10	10
		497	9	00	03	40
		498	4	00	02	30
		498	5	00	01	60
		499	3	00	02	00
		499	2ए3	00	02	70
		499	2ए4	00	02	15
		499	4ए	00	02	80
		499	5ए	00	02	05
		333	2ए	00	05	30
		333	2बी	00	04	70
		333	5ए	00	00	40
		503	3	00	11	30
		326	4	00	00	40
		326	1	00	04	45
		326	3	00	00	65
		326	2	00	05	25
		326	6	00	02	10
		326	5	00	00	85
		326	7	00	15	80
		504	4	00	06	00
		504	6	00	08	55
		505	2बी2	00	32	60

329	2बी	00	21	80
329	3	00	05	25
328	2	00	00	40

[फा.सं. एल-14014-163-2022-जीपी-II (ई-43920)]

रामजीलाल मीना, अवर सचिव

New Delhi, the 27th February, 2024

S.O. 420.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.3712(E) dated: 05.08.2022 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, a pipeline "Ennore- Tiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin" should be laid in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 09.08.2022

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District: Thiruvarur				**State: Tamil Nadu**		
Taluk	**Village**	**Survey nos**	**Sub Division**	**Area**		
				Hectare	**Are**	**Square Meter**
1	**2**	**3**	**4**	**5**	**6**	**7**
Thiruvarur	**4-2. Kurumberi**	338	1B	00	10	80
		338	2A1	00	04	70
		489	1A1	00	09	00
		495	1	00	35	50
		497	7	00	08	60
		497	8	00	10	10
		497	9	00	03	40
		498	4	00	02	30
		498	5	00	01	60
		499	3	00	02	00
		499	2A3	00	02	70
		499	2A4	00	02	15

499	4A	00	02	80
499	5A	00	02	05
333	2A	00	05	30
333	2B	00	04	70
333	5A	00	00	40
503	3	00	11	30
326	4	00	00	40
326	1	00	04	45
326	3	00	00	65
326	2	00	05	25
326	6	00	02	10
326	5	00	00	85
326	7	00	15	80
504	4	00	06	00
504	6	00	08	55
505	2B2	00	32	60
329	2B	00	21	80
329	3	00	05	25
328	2	00	00	40

[F. No. L-14014-163-2022-GP-II(E-43920)]

RAMJI LAL MEENA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 28 फरवरी, 2024

का.आ. 421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट **औद्योगिक** विवाद में **औद्योगिक** अधिकरण/श्रम न्यायालय, पटना के पंचाट **(** 20 C of 2018) प्रकाशित करती है।

[सं. एल -12011/20/2013- आई आर (बी-II)]

सलोनी, उप निदेशक

MINISTRY OF LABOURAND EMPLOYMENT

New Delhi, the 28th February, 2024

S.O. 421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.20 C of 2018) of the Indus.Tribunal-cum-Labour Court Patna as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12011/20/2013- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.:- 20 (C) of 2018

Between the management of the Zonal Manager / Circle Head, Punjab National Bank, Circle Office, At- Agoriya, Muzaffarpur, Bihar and Their workman Sri Bhaskar Kumar represented through General Secretary, Punjab National Bank Employee Union, C/O Punjab National Bank, Boring Road, Patna-1 (Bihar) .

For the management:- Sri Hemant Kumar Karan, Advocate.

For the workman:- Sri Sourendra Pandey, Advocate.

Sri Nalin Vilochan Tiwary, Advocate.

Present:- MANOJ SHANKAR, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dt- 2nd February, 2024.

By the adjudication order no.- L-12011/20/2013-IR(B.II) New Delhi, dated- 05.12.2018 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as " the Act") the following dispute between the management of Zonal Manager / Circle Head, Punjab National Bank, Circle Office, At- Agoriya, Muzaffarpur, Bihar and Their workman Sri Bhaskar Kumar represented through General Secretary, Punjab National Bank Employee Union, C/O Punjab National Bank, Boring Road, Patna-1 (Bihar) for adjudication to this tribunal.

SCHEDULE

"Whether the demand raised by the Punjab National Bank Employees Union (Bihar) for regularisation of Shri Bhaskar Kumar working as Subordinate Staff at Punjab National Bank Branch Office, Maharajganj, District Siwan, Temporoarily since 2007 against alleged permanent sanctioned vacancy at BO: Maharajganj vacant till 2013 and disposing all the works related to subordinate staff as enumerated in industry-wise bipartite settlement is legal and justified? If legal and justified, what relief he is entitled to and from when?"

2. As per statement of claim of the workman Sri Bhaskar Kumar, he was initially appointed as temporary sub-staff in the year 2007 at Maharajganj Branch within the Dist.- Siwan of the Punjab National Bank right from the date of his appointment till date to the full satisfaction of the bank authorities. It is further averred, the workman had been performing various duties like stitching the fee book, daily vouchers, assist the cash department and preparing the bundle of currency notes with due care and caution at the instruction of the Branch Manager. It is further asserted that the workman also performed duty of carrying and receiving the posts, documents, at the instruction on behalf of the bank from the post office, other branches of other banks at Maharajganj along with the work of bringing stationeries for the branch, keeping the records in the Almirah and he used to perform these duties from the opening of the bank till the closure of the bank. It is further asserted that the workman was performing duties of sub-ordinate staff at enumerated in Industry wise 9th Bi-partite Settlement like bringing stationary for branch from Regional Stationary District centre, RSDC, Muzaffarpur as it appears from the memo dated-09.03.2009, 09.09.2009 and 14.09.2009. Besides this, workman Bhaskar Kumar was also sent to bring postage, Dak etc by the Branch Manager, Maharajganj and the workman was paid amount in his name of different dates like on 18.04.2009, for couriers Rs. 434/-, on 25.09.2009 to courier Rs. 1250/- and on 29.12.2009 to Bhaskar Rs. 1250/- debiting expenditure postage. Facts that the workman had been working as subordinate staff can be

substantiated from the computer generated list wherein the name of Bhaskar Kumar appears for working as subordinate staff. It is further asserted that the workman had been exploited by the Branch Manager, Punjab National Bank, Maharajganj for taking all works related to subordinate staff for which workman was paid very meagre amount of Rs. 1800/- on 03.05.2008, Rs. 2100/- on 14.06.2008, Rs. 3000/- on 14.08.2008 and during 2009 Rs. 4000/- on 02.03.2009, and Rs. 4000/- on 02.06.2009 respectively. It is further asserted that the workman having performed his job diligently with all sincerity and to the satisfaction of his superior authorities for more than 3 years and having worked continuously for 240 days in the preceding year, approached the bank by filing a representation dated-04.12.2011 to absorb him in permanent service of Punjab National Bank. However, on response to such request the workman was terminated from his service on oral order of Branch Manager. When workman protested against the unfair conduct of the bank authorities, the bank again re-engaged the workman in 2009 as Business Facilitator and since then the workman is performing his job as such till date. It is further asserted that the workman has not being satisfied with the attitude of the bank for not considering his legitimate grievance of absorption in regular service, raised the Industrial Dispute through his union before ALC (C), Patna Through Ref. No.- PNBEU / 2012 dated- 09.04.2012 both the parties were called for the conciliation u/s-12 of the I.D.Act, 1947 on 07.05.2012 but the management did not appear before the authorities.Ultimately the ALC (C) Patna ex-parte conclusion as required by the union illegally dropped the proceedings stating as "Failure of Conciliation". It is further asserted that the Ministry of Labour and Employment on receipt of such communication from the ALC (C) Patna did not apply the judicial mind and was pleased to hold the aforesaid dispute as not deemed fit for adjudication by its letter dt- 14.02.2013. The workman was aggrieved by such decision challenged the same before the Hon'ble High Court Patna vide CWJC No.- 15749 of 2013 the petition was ultimately heard and allowed by the order dt- 18.07.2018 by the Hon'ble Court thereafter workman represented by the Union filed a representation before Union of India on 03.08.2018 requesting for taking a fresh decision in accordance with law as directed by the Hon'ble Patna High Court. Finally the Ministry of Labour and Employment of the Union of India by Letter No.- L-12011/20/2013 IR (B-II) dated- 05.12.2018 referred the matter to this tribunal for adjudication of the dispute between the aforesaid parties. It is further asserted that the workman through its Union is raising vital issues like unfair labour practice, exploitation by paying meagre amount for the work carried out by the workman for the bank and also legitimate entitlement by absorbing the workman against the permanent post for the work performed by him along with grant of consequential reliefs. It is further asserted that the bank acted beyond the 9th Bi-partite Settlement and so the workman is entitled for reliefs which are lawful. It is further asserted that it is well settled principle, if a casual labourer is continued for a fairly long spell say two or three years – a presumption may arise that there is regular need for his regular service. In such a situation. It is obligatory for the authority concerned to examine the feasibility of his regularization. Thus the union on the behalf of the workman prays for the following reliefs:-

(i) Management bank may be directed to absorb the workman Bhaskar Kumar as permanent sub-ordinate staff with Punjab National Bank.

(ii) Management bank may be directed to pay to the legal dues to the workman for the work carried out by him as sub-ordinate staff from 2007 to 2009.

(iii) Management bank may be directed to pay all consequential benefits to the workman treating him be in regular service of the bank as sub-ordinate staff under 9th Bi-partite Settlement.

(iv) Pass other orders as deems fit and proper.

3. On the other hand the management / bank filed written statement and mentioned therein the Punjab National Bank is Nationalized bank and the service conditions of workmen employees are governed by Sastry Award, Desai Award and Bi-partite Settlement as amended from time to time. It is further asserted that the claimant in the present reference cann't be treated as workman as per section 2 (S) of the Industrial Dispute Act, 1947 as he was just a casual worker whose services are utilized as and when required and for which he was duly paid. It is further asserted that contents as laid down by on behalf of the workman in the statement of claim are baseless, fallacious and so it is denied by the management bank. It is further asserted that the employee of the Punjab National Bank are recruited following due procedure of recruitment but here the claimant Bhaskar Kumar never under went any such process and it was never entered into agreement in the bank. So there was no employer and employee relationship so his case does not come under the purview of Industrial Dispute as per section-2(K) of the Industrial Dispute Act, 1947. Accordingly the dispute as raised by claimant is not maintainable in the eyes of law and deserves to be dismissed. It is further asserted that it is settled legal proposition that in the absence of any statutory provisions, a claimant has no right to be considered for regularization in any manner i.e also held in "UMA DEVI" case by the Hon'nle Apex Court. It is further asserted that the Punjab National Bank neither issued a appointment letter to the claimant nor conductedselection process or pay any salary to the claimant because claimant was just a casual worker which was engaged on temporary basis and he was dully compensated for the work done by him. It is further asserted that mere claiming he was engaged for 240 days continuously is not justified unless proof for the same is produced by the claimant. It is well settled in the various judgement that the appointmentsare made out following due process or the rules of the appointment do not confer any right on the appointee and the court cann't direct their absorption, regularization or making permanent and so the present claim is baseless and liable to be dismissed.

4. In order to prove the claim of the workman, the union has examined just one witness namely workman Sri Bhaskar Kumar as W.W-1. Besides, oral evidence the union on behalf of the workman filed some documents and during the course of evidence of workman got it marked as Extd. as:-

(i) Ext. W- Extract of dispatch register (showing in page-42 to 45)filedby the union side.

(ii) Ext. W/1- Conveyance entries (page 25 to 41)

(iii) Ext. W/2- Pension amendment sheets (Page 01 to 11)

(iv) Ext. W/3- EPF ledgers extracts (page 12 to 24)

(v) Ext. W/4- Credit notice (page 46 to 47)

(vi) Ext. W/5- Copy of payment ledger (page 49 to 50)

(vii) Ext. W/6- copy of letter issued by Branch dt- 10.04.2008 (page-51)

(viii) Ext.- W/7- Copy of the envalop showing the address of workman Bhaskar Kumar, P.N.B, Maharajganj sent by one Dilip Singh from Gurugarm (Haryana) and its register post slip (page-47--48)

(ix) Ext. W/8- A letter dt- 27.12.2017 sent by Bhaskar Kumar to the Circle Head, PNB, Muzaffarpur for regularization and non payment for the work done since 2009.

5. On the other hand management side also examined just one witness namely M.W-1 Abhimanyu Ram, Dy Branch Manager of PNB. Beside, his oral evidence management filed some documents and get it marked Exts. as:-

(A) Ext. M- Circular No.-15 of PNB dt- 26.03.2014 regarding bank on temporary appointment in the bank.

(B) Ext. M/1- Circular No.- 14 dt-21.09.2015 of PNB regarding policy for recruitment of sub-staff.

(C) Ext. M/2- Circular No.- 04/2011 dt- 02.04.2011 of PNB regarding eligibility criteria for recruitment of Part Time Employees as Sweepers of the bank.

(D) Ext. M/3- Circular No.- 09/2014 dt- 11.09.2014 of PNB regarding arrangement of sweepers in leave gap arrangement of Part Time / Full Time Sweepers.

(E) Ext. M/4- Circular No.- 25/2008 dt- 06.11.2008 issued by HRD, PNB regarding recruitment of sub-ordinate staff.

6. First of all this tribunal securitize the evidence of workman Bhaskar Kumar (W.W-1) first. workman has filed his affidavited examination-in-chief mentioning therein he is represented by General Secretary, Punjab National Bank Employees Union through Mr. B.K. Mishra who had raised this dispute on my behalf. As per his assertion his union representative raised vital issues like unfair labour practice, exploitation by paying meagre amount for the work carried out by him in the concerned bank and also raised the issues of his legitimate entitlement by absorbing the workman against the permanent post for the work he performed in the said bank along of grant ofconsequential reliefs. This witness further asserted his evidence that he was initially appointed as temporary sub-staff in the year 2007 at Maharajganj branch within the Dist. of Siwan of the PNB and right from his the date of his appointment, he is working to the full satisfaction of the authorities. It is further asserted therein, he has been performing various duties like stitching the fee book, daily vouchers, assist the cash department and preparing the bundle the currency notes with due care and caution at for the instruction of the management bank. This witness further asserted in his affidavited evidence that he also performed duty of carrying and receiving the post, documents, instruction on behalf bank from the post office and to the other branches of other bank at Maharajganj along with work bringing stationeries for the branch. He also kept the records in Almirah as per the instruction and he remained in the service of the bank from opening of the bank till the closure. He further proved the copy of the extract of dispatch register from the page i.e 42 to 45 of his filed documents as marked as Ext.-W. It is further asserted by workman in his affidavited evidence that he has been performing duties of sub-ordinate staff enumerated in Industry wise by 9th Bipartite Settlement like bringing stationary for the branch from Regional Stationary District Centre, RSDC, Muzaffarpur as it is evident from the memo of dated- 09.03.2009, 09.09.2009 and 14.09.2009. The memo carries his signature he has filed copy of the conveyance ledger register i.e from the page 25 to 41 of his filed documents this documents satisfy he was being paid for doing the work for the bank and the same is proved by him as marked Ext.-W/1.This witness further asserted in his evidence that he was sent to bring postage, Dak by the branch Maharajganj and he was paid amount in his name of different dates like 18.04.2009 to couriers Rs. 434/- on 25.09.2009 to courier Rs. 1250/- and on 29.12.2009 to Bhaskar Kumar Rs. 1250/- debiting expenditure postage. It is also asserted by him he was responsible to enter and maintained the pension amendment sheets in respect of all the pensioners having their account in the said branch and the same was prepared in his hand writing showing the regular nature of work

being carried out by him and he has also filed a few copies of pension amendment sheets i.e from page 1 to 11 of his filed documents these sheets (format) his filled by him and signed by the then posted Branch Manager and he proved these documents marked as Ext.-W/2. He further asserted in his affidavited evidence he has been carrying out the work of preparation of EPF Ledger and he has filed the copy of EPF ledger register i.e from the page 12 to 24 of his documents and the entries filled by him and proved the documents marked as Ext.-W/3. This witness further stated that the management bank in order to exploit him taking his service as sub-ordinate staff he was not paid the enumerated of the credit brought on record as page 25 of his filed documents shows that credit note about the payment of Rs. 4000/- given by bank to him disclosing water, electric charges i,e on page 46 & 47 and proved the same as Ext.-W/4. This witness further asserted in his affidavited evidence that he had been paid salary regularly for the work carried out by him at the branch of management bank till 2009 but not by way of salary rather under the head of water, lighting and electric charges and the payment register is brought on the record. He also proved the photo copy of account ledger report i.e of period 27.04.2008 to 31.12.2009 i.e at page 49 and 50 of his filed documents and the same is proved as Ext.-W/5. He also proved the letter of his deputation issued by the Branch Manager of dated- 10.04.2008 for bringing the stationary from RSDC, PNB, Muzaffarpur and the same is proved as Ext.-W/6. This witness further stated that he has been working regularly at the branch and he always sent his communications showing his address of his work place and he has filed one such copy of the envelop i.e issued by one Dilip Singh to him i.e on page 47 & 48 and the same is marked as Ext.-W/7. This witness further asserted that he has been working regularly since 2007 and thereafter he was only being assured by the manager that his service shall be regularised but no step for his regularization is taken by the bank and then he filed a representation petition of dated-27.12.2017 before Circle Head regarding non payment of his service from 2009 and for not regularization his service that representation is at page 52 of his filed documents and the same is proved by him as Ext.-W/8. This witness further stated that by virtue of the 9th Bi-partite Settlement taking into account his long service of 18 years to the bank he ought to be regularized, as permanent posts was vacant at various point of time. This witness further stated that the management of the bank played on unfair trade practice and also flouted the constitutional right of equal pay for equal service. This witness further stated that the bank acted beyond the 9th Bi-partite Settlement so he is entitled for the reliefs as claim by him before this tribunal.

On the other hand the management side did not turn up to cross-examine this witness inspite of knowing the proceeding, accordingly this witness was discharged by the tribunal without cross-examination.

7. Management also examined one witness Abhimanyu Ram as M.W-1 who is Dy. Branch Manager of PNB, Bhitti, Siwan he deposed on 22.12.2022 he has stated before this tribunal that PNB, Head Office has issued a Circular on 26.03.2014 regarding ban on temporary appointment and he has proved the Circular marked as Ext.- M. He further proved the 2nd Circular of PNB, Head Office dt- 21.09.2015 i.e for the policy for the recruitment of sub-ordinate staff including Arm Guard and full time sweeper / part time sweeper and the same is marked as Ext.- M/1. This witness further provedthe Circular of dt- 02.04.2011 issued by the management bank regarding eligibility criteria for recruitment of part time employee in the sub-ordinate cadre of the bank and the same is marked as Ext.- M/2. This witness further proved another Circular dt- 11.09.2014 issued by head office in connection with appointment of sweeper in leave gap arrangement part time / full time sweeper and the same is marked as Ext.- M/3. This witness further proved Circular of PNB, HRD division of dated- 06.11.2008 i.e marked as Ext.-M/4. This witness further stated that he was posted as Senior Manager in PNB Maharajganj from June-2009 to 10.06.2012, during his tenure workman Bhaskar Kumar did not perform any duty in the said branch. As per his information Bhaskar Kumar was doing duty as Business Facilitator in the said branch. This witness further stated that the duty of business facilitator is to enhance business of the bank by inviting the customers to open account even on zero balance. BF used to receive commission for the work he has done and the agreement of the BF with bank is usually for the 11 months.

In cross-examination this witness categorically admitted in para-12 that he is the local resident of Maharajganj he performed his duties of the Branch Manager and he is well aware, the workman has discharged his duties earlier in the said branch as Business Facilitator. This witness further stated in cross-examination that there was agreement between the bank and the workman of a Business Facilitator but he cann't say the tenure. In para-15 of the cross-examination this witness categorically stated that the Ext.-W/4 as showing to him i.eof dated 01.09.2009 i.e payment of electric charges head i,e payment from electric charges head and the amount is debited and the payment is given to the Bhaskar Kumar i.e of the month of August 2009. This witness also admits in page-16 of his cross-examination, the Ext.-W/6 is the letter of the then Branch Manager issued on 10.04.2008 to Manager RSDC, Muzaffarpur showing the Bhaskar Kumar is deputed for bringing stationary. This witness further denied that the workman has never performed the duty of Business Facilitator.

8. It is argued on behalf of the workman side that bank has played unfair labour practice as defined U/S- 2 (ra) of the Act i.e prohibited as per section – 25T of the I.D.Act as the management bank took the services of the workman as temporary, badli as part time employees against permanent posts I,e contrary to the entry Item No. 10 of the Schedule-V of the I.D.Act. It has been further argued that the workman has thoroughly corroborated his statement of claim in his evidence before this tribunal regarding his working, payment and taking his service by the bank in PNB, Maharajganj moreover the bank did not come forward to cross- examine the witness so his assertion as brought before this tribunal in his examination-in-chief remains intact in the eyes of law. It is further argued that the

existence of a employer and employee relationship is not to be determined of the basis of the designation given to the employee but rather on the nature of the duties performed by the employees as workman was engaged for performing various duties as per instruction of the bank manager I,e corroborated by the workman in his evidence and also filed documentary evidence regarding his duties. It is further argued that the workman has successfully established his claim by showing he was actually employed temporary by the bank as a sub-ordinate staff and the oral termination of the workman on demand of regularization was without complying the section-25F of the I.D.Act and so workman is entitled for reinstatement as sub-ordinate staff with full back wages since 2009.

9. It is argued on behalf of the management side that the complainant's union has no locus standi to file statement of claim on behalf of the complainant, as no records with regards to the membership, has been produced to show the representative capacity of the union. It is further argued that the claimant cann't be treated as a workman as per provision of section-2(s) of the Industrial Disputes Act, 1947 because claimant was merely engaged intermittently as and when required for which he was duly paid. There was no employer and employee relationship exist between management / bank and the claimant. Since the claimant does not come under the purview of section-2(s) of the Industrial Dispute Act, 1947, so there is no Industrial Dispute arises as per section-2(k) of the Industrial Dispute Act. It is further argued that Bhaskar Kumar was working in Maharajganj Branch on leave gap arrangement only. His service were utilized by the bank as when required for which he was duly compensated. It is argued that Bhaskar Kumar worked merely few days of a month. He has never worked continuously for 240 days. Moreover, the claimant did not produce any cogent evidence that could show he has worked continuously 240 days in a year. It is further argued that the workman himself admitted in para-10 of his statement of claim that he was doing work of business facilitator since 2009. The work of business facilitator is commission based and he has nothing to do for working of the bank. Claimant has made false statement that he is working in the bank in sub-ordinate cadre till date. Moreover, Ext.-M circular of date 26.03.2014 filed by the management is regarding complete ban on temporary appointment in the bank. It is further argued that part time sweeper are recruited by way of placing indent to the concerned employment exchange, by publishing the advertisement in local News paper and by displaying the vacancy on the notice board of the branch. It is further argued that there is no vacant post at PNB, as all the post have filled up long back following due process of selection. Accordingly the claimants case about the allegation of unfair labour practice is not at all tenable. It is further argued that the finding of the UMA DEVI case as passed by the Hon'ble Apex Court clearly says appointments made without following due process or the rules for appointment do not confer any right on the appointee and the court cann't direct their absorption, regularization or making them permanent. Thus the claimants did not come up with fair hand so he is not entitled for any relief on the basis of his assertion.

10. Considering all the facts & circumstances of the case and submissions as advanced on behalf of the both the sides and on securitizing the statement of the claim as well as written statement of the management followed by the evidence lead by rival parties, this tribunal finds that Bhaskar Kumar's grievances is raised by General Secretary, Punjab National Bank Employees Union showing him as workman serving as a temporary sub-staff of PNB Maharajganj branch. Further he claims he is discharging his duties as sub-ordinate staff from 2007 to 2013 when he raised demand for his regularization. However, on the other hand the management side claims Bhaskar Kumar was never been engaged as temporary sub-staff on regular basis rather his services has been taken up as and when required for which he is duly compensated. Moreover, Bhaskar Kumar never served as a temporary workman in the bank from 2009 rather he worked as a business facilitator for which he has received commission. Considering the rival contentions of the two sides, first of all it has to be decided whether the matter of Bhaskar Kumar comes under the provision of section-2(s) of the I.D.Act that deals about the status of the workman. **Section-2(s) says:- "workman" means any person (including an apprentice employed in any industry) to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute.** On analysing the definition of workman the claim of Bhaskar Kumar comes under the provision of 2(s) because he was engaged temporarily by bank / management and for which the bank has given due wages when ever he has given his services to the bank. Here bank / management also stressed the claim of the Bhaskar Kumar does not come under the section-2(k) of the Industrial Dispute Act because there is no employer and employee relationship between the too. But Bhaskar Kumar service is taken by the bank as a daily wager and there is relationship between the management / bank and Bhaskar as an employer and workman. So the contention of the management side does not stand. This tribunal further finds that this reference is sent by appropriate government to adjudicate regarding regularization of Bhaskar Kumar working as sub-ordinate staff, PNB, Maharajganj Branch since 2007 against the permanent sanctioned vacancy remained vacant till 2013. In this regards the workman has examined himself but did not disclose from when he is giving his service to the said bank as a sub-staff. Moreover,

his evidence does not satisfy his claim the period of the his work in he said branch on regular basis and he also does not say about regarding any permanent vacancy of sub-staff remained vacant till 2013. However, it was the duty of the workman Bhaskar Kumar to establish these facts before this tribunal. This tribunal further finds Bhaskar Kumar never claimed he has been working in the said branch regularly 240 days in a calendar year i,e pre condition for taking the matter for regularization by any management. Of course he Bhaskar Kumar was not cross-examined by the management bank but his evidence does not gave any cogent and concrete details about his working as sub-staff continuously from 2007 to 2009 rather the documents has brought before this tribunal and get the same marked as Exts shows that the Ext.-W the extract of dispatch register shows the entry of 2017 to 2018 & 2020 of few dates in each year has no relevancy to the claim of the workman that could show he has been working in regularly the said branch from 2007 to 2013. Ext.-W/1 is the conveyance ledger entries i.e of the year 2006 to March 2008 disclosing several names and on some dates the name of the Bhaskar Kumar is also shown as on 05.12.2007, 08.12.2007, 11.12.2007, 19.12.2007, 22.12.2007, 24.12.2007, 26.12.2007, 13.12.2007, 07.01.2008, 08.01.2008 there entries clearly shows that Bhaskar Kumar was paid by the bank as and when his service is taken by the bank. It also does not establish he was discharging the duties uninterruptedly for 240 days in a calendar year. Ext.-W/2 that is pension amendment sheets that is of the year 2016 to 2020 of few dates in each year that has no relevancy to the claim of this workman for regular working in the said branch as a sub-staff 2007 to 2013 as per claim because workman himself asserted in his statement of claim he was discharging as a business facilitator after 2009 but no authentic proof to his working is given rather he suppressed the duties he discharged as a business facilitator. Ext.-W/4 is a voucher showing expenditure water charges of dated- 01.09.2009 for the months of August 2009 that does not show he was getting wages as a sub-staff as per his claim. Ext.-W/5 shows the copy of payment ledger i.e of the year April-2008 to 30.06.2009 on some occasion Bhaskar was paid from the head of water, lighting charges it also does not establish he was doing the duties as a sub-staff regularly rather the claim of the management side looks more convincing reliable bank has taken the services of Bhaskar as and when required for which he is duly compensated. Ext.-W/6 is the letter of branch manager of dt- 10.04.2008 showing the deputation of Bhaskar to bring stationary from RSDC, Muzaffarpur i.e also not authentic proof he was doing his duty regularly as a sub-staff. Ext.-W/8 is a letter of dt- 27.12.2017 given by Bhaskar Kumar addressing to Circle Head, PNB, Muzaffarpur regarding regularization of his service and non payment of work since 2009 but this letter does not establish this facts whether the bank has received the letter because there is no endorsement of receiving moreover, no proof is given by the workman Bhaskar how he sent this letter to the Circle Office. So this document the Ext.-W/8 is a not reliable document. This tribunal further find that management witness Abhimanyu Ram (M.W-1) Dy. Branch Manager clearly stated before this tribunal there is circular of bank dt- 26.03.2014 regarding ban temporary appointment (Ext.-M) and this witness also proved the some circulars regarding recruitment policy, eligibility criteria of Part Time Employee of sub-ordinate cadre and appointment of sweeper of leave gap arrangement and recruitment of sub-ordinate staff vide Exts.- M/1 to M/4 and i.e also accepted by the workman side because no cross-examination is done by the workman side on these documents. This tribunal further finds that the management witness clearly stated that Bhaskar Kumar was doing the work of Business Facilitator for enhancing the business of bank of commission basis and i.e also admitted in cross-examination by this witness. This tribunal finds that workman himself admits in statement of claim from 2009 on wards he was discharging his duties of Business Facilitator, that is corroborated from the management witness but this real fact is suppressed by the workman in his evidence inspite of admitting this facts in his statement of claim so the workman did not come up with clean hand rather he has been failed to establish he was working as a temporary sub-staff in PNB, Maharajganj Branch 2007 against the permanent vacancy vacant till 2013. Accordingly the demand as raised by the PNB employees Union for the regularization of Bhaskar Kumar worked as a sub-ordinate staff is not legal and justified.

On the Ultimate analysis all the facts and materials available on the record as discussed above this is considered opinion of this tribunal, the demand as raised by the PNB Employee Union (Bihar) for regularization of Bhaskar Kumar working as a sub-ordinate staff at PNB, Maharajganj Branch,

Siwan is not legal and justified. Hence the workman is not entitled to any reliefs. This award is effected after date of publication in gazette.

This is my award accordingly.

Dictated & Corrected by me.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 28 फरवरी, 2024

का.आ. 422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतत्र, संबंद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट (03 C of 2018) प्रकाशित करती है।

[सं. एल -12011/67/2017- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 28th February, 2024

S.O. 422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.03 C of 2018) of the Indus.Tribunal-cum-Labour Court Patna as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/67/2017- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.:-03 (C) of 2018

Between the management of the Regional Manager, Central Bank of India, Regional Office, Snehlata Bhawan, Bhatta Bazar, Purnea, Bihar and Their workmen (1) Sri Sanjeev Kumar and (2) Shantnu Nandi represented by the President, Bank Employees Federation, Bihar, Saboo Republic Hotel Exhibition Road, Patna (Bihar)-800001.

For the management:- Sri Rajeev Ranjan Sinha, Assistant Manager.

For the workman:- Sri B. Prasad, President, Bank Employees Federation Bank.

Present:- MANOJ SHANKAR Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dt- 15th February, 2024.

By the adjudication order no.- L-12011/67/2017-IR(B-II) New Delhi, dated- 03.04.2018 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as " the Act") the following dispute between the management of the Regional Manager, Central Bank of India, Regional Office, Snehlata Bhawan, Bhatta Bazar, Purnea, Bihar and Their workmen (1) Sri Sanjeev Kumar and (2) Shantnu Nandi represented by the President, Bank Employees Federation, Bihar, Saboo Republic Hotel Exhibition Road, Patna (Bihar)-800001 for adjudication to this tribunal.

SCHEDULE

" Whether the action of the management of Central Bank of India in terminating services of Sri Sanjeev Kumar working in Railway Colony Branch Katihar from 2001 to 31.12.2015 and Sri Shantnu Nandi, Sub Staff working from 01.01.1993 to 31.12.1994 is legal and justified? If not, to what relief the workmen concerned are entitled to?

2. As per the statement of claim filed by the representative of the workmen Sanjeev Kumar and Shantnu Nandi being the President, Bank Employees Federation, Bank Sanjeev Kumar the resident of Tejatola, P.O & Dist.- Katihar-854105 was orally appointed to discharge the duties of peon from 19.01.2001 at Railway Colony, Katihar Branch of Central Bank of India. Initially he was paid wages @ Rs 25/- per day which was gradually increased to @ Rs. 40/-, Rs. 50/-, Rs. 60/-, Rs. 80/- per day and finally he received wages @ Rs 100/- per day. It is further asserted that workman was paid wages through different names namely Ram, Shyam, Mohan, Ranjeet, Rajesh etc. The payment vouchers are in the possession of the management bank. It is further asserted that the workman worked there up to 31.12.2015 and he was stopped from doing were from 01.01.2016 by Branch Manager.

The claim of the Shantnu Nandi is that he was orally appointed discharged the duties of a peon at Central Bank of India, Railway Colony, Katihar Branch from 01.01.1993 to 31.12.2014. It is further asserted that initially the workman was paid wages @ Rs. 30/- per day. He also stopped worked from 01.01.1995. It is further asserted that the both the workmen respective tenure used to discharged of a peon opening and closing bank's gate, taking out ledgers, registers from the Almirah and placing the same on counter, taking out cash box from the strong room and placing the same in cash department, carrying token register, scroll register from cash department to account department, stitching of vouchers and currency notes whenever required to the hostility work serving tea, water to the staff. It is further asserted that both the workmen in their respective tenure discharged from duties in the said branch from 10.00A.M to 6.00P.M on the instruction of the then Branch Manager. It is further asserted that the duties of both the workmen were perennial in natureand identical to permanent peon. Moreover, both the workmen were not paid due wages for the period of their working. It is further asserted that management bank formulated schemes for permanent absorption of the services of daily rated, temporary workmen and both the workmen submitted that applications for the permanent absorption regularization but their cases were not considered. It is further asserted that management bank issue circular in 2012 for permanent absorption of services of temporary workmen in response to which the workmen submitted their applications to the Regional Manager through the branch with due recommendation. Both were for interviewed but no step was taken by the management bank for their permanent absorption. Thus termination of both the workmen are covered u/s-25(F) of the I.D.Act as neither any notice / notice pay nor any retrenchment compensation was paid to the workmen preceding their termination. It is further asserted that bank management play unfair labour practice as schedule-V read with section 25(T) of the I.D.Act. It is further asserted that both the workmen raised their dispute by the representative of the association and both the workmen since following reliefs:-

(i) Reinstatement in the services of the Bank as a temporary peon with back wages;

(ii) Regularization / permanent absorption of services as a peon.

(iii) Payment of due wages for the period of working.

(iv) Payment of a sum of Rs. 10,000/- for contesting the dispute.

(v) Any other relief (S) as the tribunal deems and proper.

3. On the other hand bank management filed written statement in the reply and claim of both the workmen and mentioned their both the workmen work daily for some time during business hours in the said branch of Katihar. Both the workmen discharged their duties off an on for which they have been duly paid for their working. It is further asserted that since both the workmen were causal worker, therefore, the principle for equal work for equal pay does not arises. It is further asserted that the process of recruitment of Safai Karamchari-cum-Substaff has been cancelled Central Office letter no.- CO/HRD/R7P/2014-15/133 dt- 25.06.2014. The Board's decision dt-21.06.2014 for cancellation of recruitment of Safai Karamchari-cum-Sub Staff process has been published in the Hindustan Times dt- 13.07.2016. It is further asserted that the claim of both the workmen regarding their duties is the matter of record. Since both the workmen were not the employee of the Central Bank of India so there is no question of termination as per section 2(oo) of the I.D.Act. Moreover, management has not violated of section 25(F) of the I.D.Act because both the workmen have been paid wages for their work and management bank did not violated in provision of schedule -V and section 25(T) of the I.D.Act. Accordingly both the workmen are not entitled to be reinstated and absorpted as a peon on permanent basis in the service of Central Bank of India and both the workmen are not entitled for any other reliefs.

4. In order the suffice their claim the representative of the workmen examined both the workmen as W.W-1 Sanjeev Kumar and W.W-2 Shantnu Nandi. Besides, their oral evidence, the workmen also filed some documents in support of their claim and the same Extd. as:-

(i) Ext. W – Letter dt- 05.11.2012 issued by Regional Manager, Purnea of Central Bank of India regarding recruitment of Safai Karamchari cum Sub-Staff.

(ii) Ext. W/1- Field application form of Sanjeev Kumar dt- 14.11.2012 issued by the then Branch Manager to Regional Manager, Central Bank of India, Purnea.

(iii) Ext. W/2- Call letter of Sanjeev Kumar issued by Dy. Regional Manager.

(iv) Ext. W/3- Application of Sanjeev Kumar dt- 21.11.2011 addressing to Regional Manager, Central Bank of India, Purnea along with work certificate dt-20.11.2006 and statement of his work as a daily wager.

(v) Ext. W/4- Call letter for personnel interview of Sanjeev Kumar issued by Regional Office, Central Bank of India, Purnea dt- 04.10.2008.

(vi) Ext. W/5- Call letter for interview issued by Regional Office of Central Bank of India to Shantnu Nandi.

(vii) Ext. W/6- Field application form of Shantnu Nandi.

(viii) Ext.-W/7- Field application of Shantnu Nandi forward by Senior Manager on 28.11.2011.

(ix) Ext. W/8 to Ext. W/8-7- Payment vouchers of dt-13.10.1994, 08.08.1994, 18.07.1994, 25.07.1994, 07.11.1994, 11.07.1994, 28.11.1994, 21.11.1994 receipt by Shantnu Nanndi.

5. On the other hand management sides neither produced any documents, nor adduced any evidence from its side.

6. In the first of all this is scrutinizes the evidence of workman Sri Sanjeev Kumar (W.W-1) who deposed on 19.05.2022 he stated in his examination-in-chief that he discharged his duties as a daily wager in Central Bank, Railway Colony, Katihar from 19.01.2001 to 31.12.2015 and he was stopped from doing any work in the said branch from 01.01.2016. He has further stated that he used to open the gate of the branch and he has doing cleaning the premises of the bank. He used to arrange registers and vouchers of the bank and he also discharged the postal work as per instruction. Initially he got Rs. 25/- per day wages and some time Rs. 30/- per day and he was stopped from doing work he was being paid Rs. 100/- from the bank. This witness further stated that he was doing his duty from 10.00A.M to 6.00P.M. This witness further stated that bank made payment in his name through vouchers and some time bank paid him issuing the vouchers in the other names but he always received the amount putting the signature on the vouchers. On court question this witness replied that on the instruction of the branch manager he used to receive the payment of wages on the vouchers issued in other name but witness further stated that he discharged his duties like a permanent peon but he never got any appointment letter and when ever he came to know of the vacancy of sub-staff he had given his application to the branch manager. This witness proved circular of dt-05.12.2012 regarding recruitment of sub-staff who has already worked 45 days as a casual worker in 12 month's and the same is proved as Ext.-W. This witness further stated that he has applied on the basis of the same circular and on the basis of his application he also received call letter and he further proved the application form and the call letter of dt- 01.03.2013 as Ext.- W/1 & W/2 respectively. This witness further stated that he appeared in the interaction on the basis of call letter but no action is taken by the bank. This witness further proved the forwarding letter of the branch manager dt- 21.11.2011 issued by branch manager on the basis of my application and along with work chart i.e marked as Ext.- W/3. This witness further stated that he also appeared in a interview in the year 2008 and he further proved the call letter issued by the Regional Office, Central Bank of India dt- 04.10.2008 as Ext.-W/4. This witness further stated that bank has neither given any notice, nor any retrenchment compensation before stopping to him discharging the duties from the bank.

In cross-examination he categorically admitted in para-18, he was introduced to the branch manager Ayab Alam through peon Shyam Narayan Poddar and he further stated in para-19 of the cross-examination that he was assured by the bank manager when ever any vacancy is created his application will be forwarded. This witness further admits in para-20 of the cross-examination Regional Manager has given direction to all the bank for not taking work of casual workers in the bank from 01,.01.2016. He also admits in para021 of the cross-examination he always received daily wages in cash form he never received any payment of bank holiday. No attendance register was maintained in the branch. In para-24 of the cross-examination this witness categorically stated that he did not discharge any duty from 2016 to 2022 in the bank when ever manager sahib called him in bank, he visited in bank.

7. W.W-2 Shantanu Nandi deposed before this tribunal on 01.09.2022 who also stated before this tribunal that he also discharged the duties of casual worker from 01.01.1993 to 31.12.1994. This witness further stated, he used to open gate of the branch taking the key from the manager sahib and he visited shop for the stationary requirement of the bank has per the instruction of the officers. This witness further stated that he used to discharge the duties in the said branch from 10.00A.M to 7.30P.M. This witness further stated he also did not receive any notice and no retrenchment compensation before his termination. This witness further stated that he also, on the basis the circular of the bank of year 2013 applied in that bank and interview letter was also issued to him and he proved the interview letter issued by Dy. General Manager of dt- 23.03.2013 as Ext.- W/5. This witness further stated that he has filed an application for his regularization in the bank and he proved zerox copy of the said application proved as Ext.- W/6. This witness further proved the forwarding letter of dt- 28.11.2011 sent by Senior Manager regarding his application to the Regional Office and the same is proved as Ext.-W/7. This witness further stated that he received the payment of wages through vouchers and he has filed copy of 08 vouchers i.e from 13.06.1994 to 28.11.1994 the payment was made on daily basis some time he got Rs. 30/- per day wages and some time he got Rs. 40/- per day wages and the proved the 08 vouchers which has been marked as Ext.-W/8 to W/8-7.

In cross-examination this witness categorically admits in para-13 no appointment letter was given to him rather on the oral direction of the branch manager he started working in the Railway Colony Branch of the Central Bank of India, Katihar. This witness further admits that he was introduced to the bank manager by one Generator Operator. This witness categorically admits in para-15 of the cross-examination on the basis of the bank advertisement. He has applied for the post of peon he but one got selection in the said interview.

8. It is argued from the workman side the management bank formulated scheme of for absorption daily rated workmen time to time but the claim of the workman were never considered. It is further argued that management issued a circular in 2012 also for the permanent absorption of casual worker who served 45 days in a 12 in a calendar year. On the basis of this circular both the workman Shantnu Nandi and Sanjeev Kumar have filed their

application in the branch and same is forwarded by then Branch Manager. Call letters were also served to both the workman from the Regional Office of Central Bank of India, Purnea accordingly both the workmen appeared before the management bank but their claim did not entertain by the management inspite of they were having qualification and eligibility as per circular of year 2012 (Ext.-W). It is further argued that workman Sanjeev Kumar has thoroughly supported his claim of working in the Railway Colony Branch, Katihar from 19.01.2001 to 31.12.2015 and he also submitted he had applied for the absorption in the bank on the basis of circular of year 2012 but his version is not corroborated by the bank in the cross-examination like wise workman Shantnu Nandi W.W-2 also supported his claim of working in the Railway Colony Branch, Katihar from 01.01.1993 to 31.12.1994 and he also proved the copy of the payment vouchers i.e Ext.-W/8 to W/8-7 that shows he has worked 35 days in a calendar year and he also applied for the absorption in sub-staff on the basis circular of the year 2012 but his matter was not considered. It is further argued that both the workman were stopped from the working without given them any notice or notice pay and so management violated the mandatory provision of 25(F) of the I.D.Act. It is also argued that on behalf of the workman that copies of the payment vouchers has been called from the management bank before the tribunal but the management bank failed to produce those vouchers. It is further argued that management side neither produced any oral nor any documentary evidence. Accordingly the claim of both the workmen is legal and justified and simultaneously the action of the management bank in terminating the services of Sanjeev Kumar and Shantnu Nandi is not legal legal and justified. So both the workman are entitled for reinstatement and they should be absorbed by the management bank.

9. On the other hand it is argued by the representative of the management bank that the claim of the both the workman are meritless and beyond the limitation period. Both the workman did not discharge their duties for more than 240 days as alleged in their statement of claim. It is further argued that the facts is bank utilised the service of both the workman on day to day basis when ever required and they were paid daily wages they were never engaged in the bank as a regular casual worker. There is no relationship between management bank and the workman as a employer and employee. It is further argued that the process of recruitment safai karamchari sum sub-staff was cancelled by the board decision dt-21.06.2014 and the same was published in the local news papers. The claim of the workmen their application, on the basis of circular 2012 is not considered looks not convincing because they suppressed this facts before this tribunal. It is further argued that the management bank never violated the provision of u/s25(F) of the I.D.Act because the workman used to work as casual worker and their services were utilized by the bank as when required. Moreover, their services were utilized on oral instruction so there was no need to serve any notice or to pay compensation. Thus there was no retrenchment within the meaning of Industrial Dispute Act. The representative of the management bank relied on the judgement of the Apex Court held in Hindustan Aeronautics Ltd. Vs. Dan Bahadur Singh (2007)6 SCC 207 where it was held that the completion of 240 days does not confer any right for the regularization under Industrial Dispute Act. It has been mearly impress certain obligation on the employer time to time termination of his services. It is further argued that there is no right vested in daily wager to seek regularization because regularization can only be done in accordance with rules. Accordingly both the claimant are not entitled for regularization in service and other others reliefs as prayed.

10. Considering all the facts & circumstances of the case and as well as considering the oral and documentary evidence as placed by the rival parties supported with their respective arguments, this tribunal finds that the core issue of this reference is based both the workmen have applied for their regularization in the management bank on the basis of circular of dt- 05.11.2012 issued by Regional Office, HRD, CBI, Purnea regarding recruitment of Safai Karmachari cum Sub-Staff and / or Sub-Staff- One time measure for temporary / casual workers who worked for a minimum 45 days in a continuous period of 12 months (Ext.-W). In this regard workman Shantnu Nandi (W.W-2) claimed he has worked in the Railway Colony Branch, Katihar as a sub-staff from 01.01.1993 to 31.12.1994 and thereafter he was stopped from working from the bank officials. Simultaneously he claims in his evidence he has applied for his regularization in the management bank in the year 2013 and he was called for interaction by call letter dt- 23.03.2013 (Ext.-W/5) and he also proved the copy of the application sent to Regional Office (Ext.-W/6) and the forwarding of his application by the then Branch Manager to the Regional Office vide (Ext.-W/7) and this witness also admitted in cross-examination that no one appointed on the basis of advertisement followed by interview. This witness produced some payment vouchers i.e Ext.-W/8 series that clearly shows that these vouchers are of the year 1994 and vouchers shows that he has worked in the said bank in the year 1994 only 34 days for which he got payment as a daily wager from the bank. This witness does not satisfy the basic eligibility of the recruitment of circular (Ext.-W). Moreover, he made claim after long gap without assigning any reason as for his admission he did not work in the said bank after 1994, however this dispute is of the year 2018. Moreover, the claim of the management side is of course circular of 2012 (Ext.-W) was issued by the Regional Office of the Central bank of India, Purnea for the recruitment of sub-staff temporary / causal worker who worked 45 days in a year and accordingly so many temporary staff applied and this workman also applied but later on the recruitment process was cancelled by the decision of Board of directors vide letter dt- 25.06.2014 and the notice of this cancellation was also published in daily news paper on 13.07.2014. This two documents are filed by the management with written statement though it is not brought on the record as Exts. but the tribunal takes judicial notice of these documents as filed by the management i.e public documents. So by virtue of these documents no temporary workman could be

regularized that is also is admitted by this workman but at the same time this facts was not disclosed by this workman inspite of knowing the cancellation notice as published by management bank. Hence the workman Shantnu Nandi did not come with clean hand, so his claim for regularization is not tenable and justified in the eye of law and procedure. This tribunal further finds that the other workman Sanjeev Kumar (W.W-1) claimed he worked in the Railway Colony Branch of Central Bank of India, Katihar from 19.01.2001 to 01.12.2015 and subsequently he was stopped working there. He also claims he was doing work in the branch as a sub-staff on temporary basis and he also claims on the basis of circular dt-05.11.2012 (Ext.-W) he has applied for regularization in the said bank and he also received call letter from the bank Regional Office, Purnea (Ext.-W/1). This workman in his evidence stated that interaction was also held as per call letter but no action is taken by the management. This workman in his evidence also proved his application form along with certificate issued by the then Branch Manager dt-20.11.2006 disclosing his working engagement from 01.04.2005 as a daily wager and also details of his working from 01.04.2005 to 31.03.2006 as a water boy daily wager (Ext.-/W/3). This documents does satisfied that this workman has discharged his duty more than 240 days in the calendar year 2005-06. This tribunal further finds that this workman (W.W-1) also admitted he participated in interview in the year-2008 for the post of part time sweeper and he has produced interview letter Ext.-W/4 shows that he was called for interaction for the post of part time sweeper for the year 2008 by virtue of this two documents Ext.-W/3 & W/4 he was ignored for regularization by the bank for the post of part time sweeper i.e clear cut violation of section2(oo) of the Industrial Dispute Act, 1947 but this workman in his evidence also did not report to this tribunal about the cancellation process as per the circular in the year 2012 that was placed by the management bank in his written statement as well as in argument. It also shows that this workman also supressed the very facts, hence this workman also did not come up with clean hand. Accordingly on the basis of circular of 2012 i.e both the workman claimed relief their its regularization is not acceptable because unless a scheme is launched by the management bank like circular of 2012 no temporary workman is entitled for the claim of regularization but here in the instant case the Board of director management bank cancelled of the process of recruitment as per circular of 2012 (Ext.-W) so no workman can claim as a matter of right for his regularization on the basis of that circular of 2012 because management bank is always empowered to make any rules and regulation for the working of the bank. This tribunal further finds that though the workman Sanjeev Kumar is not entitled for regularization on the basis of circular 2012 (Ext.-W) but he was working as a temporary staff fairly a long time from 2001 to 31.12.2015and subsequently his services was not taken up. However, he also discharged 240 days continuously in the year 2005-06 as per certification of the then Branch Manager (Ext.-W/4) and moreover, workman Sanjeev Kumar was appearing for interaction for the post of part time sweeper but he was not given any benefits to his continuous working by the management bank. This tribunal further finds that Sanjeev Kumar has discharged his duty as a daily wager for about 15 years but he was not regular employee of the bank, so retrenchment notice is not supposed to be given by the bank because workman Sanjeev Kumar was doing the job as a casual worker of the bank. This tribunal finds and hold that termination of services of Sanjeev Kumar and Shantnu Nandi is not illegal and unjustified but considering the engagement of the Sanjeev Kumar for a fairly a long time as a daily wager he is entitled for a relief of lum-sum compensation amount of Rs. 2,00,000/- (Rs. Two Lakh) only from the management bank but workman Shantnu Nandi is not entitled for any reliefs because he raised his claim after a long gap as he left his work from the 01.01.1995.

11. On the ultimate analysis lf all the facts and materials available on the record as discussed above this is the considered opinion of this tribunal that the action of management bank Central Bank of India in terminating the services of Sanjeev Kumar and Shantnu Nandi is legal and justified but workman Sanjeev Kumar who worked the Railway Colony Branch, Katihar of Central Bank of India for a fairly long time, so he is entitled for a relief of lum-sum compensation amount of Rs. 2,00,000/- (Rs.Two Lakh) only from the bank. Accordingly management bank is directed to make payment to the workman Sanjeev Kumar, amount of Rs. 2,00,000/- (Rs. Two Lakh) within one month after the gazette of this award failing which management bank shall pay additional 6% interest till the payment made to the workman. This award is effected after date of publication in gazette.

This is my award accordingly.

Dictated & Corrected by me.

MANOJ SHANKAR, Presiding Officer,

नई दिल्ली, 29 फरवरी, 2024

का.आ. 423.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स राष्ट्रीय नमूना सर्वेक्षण कार्यालय, कोलकाता, के प्रबंधतंत्र के संबद्ध नियोजकों और राष्ट्रीय नमूना सर्वेक्षण कार्यालय, गैर-नियमित श्रमिक संघ, कोलकाता, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या

Arising out of Ref. 02 OF 2015 को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 29.02.2024 को प्राप्त हुआ था।

[सं. एल - 42011/161/2014-II-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 29th February, 2024

S.O. 423.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Arising out of Ref. 02 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. National Sample Survey Office, Kolkata, and National Sample Survey Office, Non-Regular Workers` Association, Kolkata, which was received along with soft copy of the award by the Central Government on 29.02.2024.

[No. L-42011/161/2014-II-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

Misc Case. No. 02 OF 2015 u/s 33-A

(Arising out of Ref. No. 01 of 2015)

Parties : Employers in relation to the management of

National Sample Survey Office

AND

Their Workmen

On behalf of the Management: Mr. Kallol Guha Thakurata, Ld.Advocate.

On behalf of the Union/Workmen: Mr. Madhusudan Dutta, Ld. Advocate.

Dated: 16th February, 2024

AWARD

This Misc. Case arises out of an application filed u/s 33-A of Industrial Dispute Act, 1947 by 24 casual daily rated workmen against National Sample Survey Office, Data Processing Division, Kolkata under Ministry of Statistics & Programme Implementation, alleging that they have been illegally terminated from the service w.e.f. 01-06-2015 without complying the provisions of Section 25-F of the I.D. Act. Thus, they have prayed for reinstatement of service with full back wages along with consequently relief.

That the same set of workmen have raised an industrial dispute against the same employer for their regularisation in the permanent post of Group-D/ MTS in the establishment of National Sample Survey Office, Data Processing Division, Kolkata, before the Labour Commissioner. On the failure report of the Labour Commissioner, the dispute was referred to this Tribunal for adjudication by Central Govt., Ministry of Labour by an order No. L-42011/161/2014 –IR (DU) dated 04-02-2015. Such dispute has been registered as Reference Case No. 1 of 2015. In the said Reference Case, the same set of workmen have prayed for their regularisation/ absorption in the permanent post of Group-D/MTS.

The said Reference Case has been disposed of today and their prayer for absorption in the post of Group-D/ MTS has been declined but they have been awarded compensation of Rs.10 lakh each. Thus, in view of the award that has been passed in Reference No. 1 of 2015, the relief claimed by those 24 workmen in this present Misc. Case

becomes infructuous and redundant. Therefore, the question of their reinstatement in their previous job of daily rated worker does not arise and the question of awarding back wages too does not arise.

Consequently, the present Misc. Case No.02 of 2015 u/s 33-A of I.D. Act is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 424.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स राष्ट्रीय नमूना सर्वेक्षण कार्यालय, कोलकाता,** के प्रबंधतंत्र के संबद्ध नियोजकों और **राष्ट्रीय नमूना सर्वेक्षण कार्यालय, गैर-नियमित श्रमिक संघ, कोलकाता,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-कोलकाता पंचाट (संदर्भ संख्या 01 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 29.02.2024 को प्राप्त हुआ था।

[सं. एल-42011/161/2014-I-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 29th February, 2024

S.O. 424.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 01 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. National Sample Survey Office, Kolkata, and National Sample Survey Office, Non-Regular Workers` Association, Kolkata, which was received along with soft copy of the award by the Central Government on 29.02.2024.

[No. L-42011/161/2014-I-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 1 OF 2015

Parties : Employers in relation to the management of

National Sample Survey Office

AND

Their Union/Workmen

Appearance :

On behalf of the Management: Mr. Kallol Guha Thakurata, Ld.Advocate.

On behalf of the Union/Workmen: Mr. Madhusudan Dutta, Ld. Advocate.

Dated: 16th February, 2024

AWARD

By order No. L-42011/161/2014 –IR (DU) dated 04-02-2015, the Central Government through Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

"Whether the action of the National Sample Survey office is justified in denying the permanent/casual status of service of 24 nos. of workmen is legal and/or justified? If not, what relief the workmen are entitled to? 2. Whether the demand of casual workmen for unproductive bonus in the line of Central Govt. Employee is legal and/or justified? If not, what relief the workmen are entitled to?"

The case of the Union which has espoused the dispute in brief is that the management of National Sample Survey Office, Kolkata has engaged the concerned 25 workmen to do perennial nature of job which is normally done by Group-D staff and have served for many years, varying from 10 to 18 years, but designating them as Way Side Casual Labours or daily wage earners according to their suitability.

That in view of order passed by the Chief Labour Commissioner, Ministry of Labour & Employment, New Delhi, the management of National Sample Survey Office paid Rs.235/- along with VDA per day to those concerned workmen.

It has also been alleged that the principal Director of Audit, Govt. of India in its audit report has mentioned engaging 24 daily wage casual labours by National Sample Survey Data Processing Division for supply of drinking water, carrying official papers, transhipment of technical papers, attending officers and other miscellaneous jobs at the rate of Rs.148.81 per day. Thus, by an order dated 01-02-2013 their basic wage was increased to Rs.270/- per day. That they have made a representation before the management for payment of puja bonus in the month of October, 2013 and in the month of September, 2014 but management did not release any puja bonus to them.

The Union has further alleged ESIC had regularised 41 casual workers on 07-9-2012, Dept. of Economic Affairs regularised 5 casual workers on 27-01-2009, the Principal Accounts General –Audit, West Bengal also appointed 280 casual workers. There was 47 vacant sanctioned posts of Group-D in D.P.D. and SDRD on 07-09-2012. Despite having such vacancies the management of DPD failed to absorb 24 casual workmen.

Ministry of Statistic and Programme Implementation, Govt. of India vide letter dt. 20-11-2009 requested the management of DPD, National Sample Survey to accord at least casual status to all 24 concerned workmen so that they are not deprived of minimum wages as per Govt. recommendation. That on such persuasion, the management of NSSO introduced a pay of Rs.329/- per day to those workmen but without any other benefits where as a permanent Group-D staff is paid monthly salary of RS.21000- 22000. That there are 49 posts of MTS vacant in DPD including its D.D.Centre and SDRD. Despite office memorandum dt.16-10-2014 of Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training for regularisation of service of casual labours with temporary status within 30-11-2014, the management has failed to absorb those 24 casual workmen.

Thus it has claimed that those concerned workmen having rendered more than 240 days services in a calendar year are entitled to absorption and regularization against permanent post of Gr. D and they are entitled to receive unproductive bonus in the line of Central Govt. employees.

Such claim of those concerned casual workmen has been contested by the authorities of National Sample Survey office, Kolkata by filing written objection where it has alleged that National Sample Survey office, under the Ministry of Statistics and Programme Implementation is at Govt. office managed and controlled by the Central Govt. and it is not an 'industry' as defined in section 2(j) of I.D. Act, 1947. Since it is not an industry and there exists no industrial dispute between NSSO and its daily casual workers. Thereby alleged the Ministry of Labour has wrongly referred the present dispute to this Tribunal.

It has further stated that NSSO has engaged some labours on daily wage basis for cleaning the office premises, for providing drinking water to staff and officers as and when required. Those daily wage labours were taken from way side and not through Employment Exchange. They are paid wages on 'no work no pay' basis at the rate of unskilled labour prescribed by the office of Commissioner of Labour and notified from time to time. Those casual labours were not sponsored by local Employment Exchange.

The Scheme of Govt. of India, 1993 was circulated vide DOPOT's O.M. No.5106/2/90-Estdt. (C) dt.10-09-1993 and which grants temporary status to those persons recruited on daily wage basis in the Central Govt. office as on and before 10-09-1993, but the scheme dated 10-09-1993 is not an ongoing scheme. The status of casual labours was confirmed only to those persons who were in employment on the date of commencement of the scheme

and who had rendered continuous service of at least 240 days in a year or 206 days in case of office having 5 days week. The scheme is not applicable to the concerned workmen as they were not working as daily casual workers in the establishment of NSSO in the year 1993. Those concerned workmen are not casual workers and as such they are not entitled to get any unproductive bonus. More so, they were not engaged through the procedure meant for engagement of casual labours. Their services were taken as and when required in exigencies.

The NSSO being a Central Govt. establishment the recruitment of its staff is done by Staff Selection Committee (SSC). NSSO, being a Govt. Of India office, the appointment is made by following the recruitment rules. Therefore, it has prayed for dismissal of the reference.

The record shows the Union has examined Sri Arun Das, one of the workmen as W.W. No.1 and Sri Subrata Maity, another workman as W.W. 2.

The order dated 11-11-2019 reflects 7 documents that have been produced from the side of the Union have been marked as Exhibit-W-1 to W-7 on formal proof being dispensed with.

On the other hand the authority of NSSO has failed to examine any witness and has failed to produce any document to substantiate and to corroborate the defence taken by it in its written statement.

However, the Ld. Counsel for the union as well as the Ld. Counsel for the management have filed written notes of argument and Ld. Counsel for the union have cited the following decisions in support of its submission and contentions:-

1. M/s. Reckitt & Colman of India Ltd. –vs- Fifth Industrial Tribunal & Ors., 1980, LAB. I.C. 92,
2. Nihal Singh & Ors. –vs- State of Punjab & Ors. with Bhupinder Singh & Ors. –vs- State of Punjab (2013) 14 SCC 65,
3. All India Institute of Medical Sciences –vs Raj Singh, 2016-III-LLJ-1 (SC),
4. Union of India &Anrs. –vs- CGIT & Anrs., 2001-LLJ 1557,
5. Vidhyadhar –vs- Mankikrao & Anrs., AIR 1999 SC 1441,
6. Sarva Shramik Sangh–vs- Indian Hume Pipe Co. Ltd., 1993(1) LLJ 965 (SC),
7. Kakali Chakraborty –vs- LIC of India, 2017 (3) CHN (CAL) 169,
8. Rajasthan State Road Transport Corp. & Anrs., -vs- Bajrang Lal (2014) 4 SSC 693,
9. State of Karnataka &Ors. –vs- M.L. Kesari & Ors., 2010-IV-LLJ-583 (SC),
10. Mineral Exploration Corp. Employees' Union –v-s Mineral Exploration Co. Ltd. & Anr., 2006-III LLJ 482 (SC),
11. ONGC Ltd. –vs- Petroleum Coal Labour Union & Ors., 2015-II-LLJ-257(SC),
12. Urmila Gram Panchayet -vs- Secretary, Municipal Employees Union & Ors., 2015 LAB. I.C. 3765,
13. Tapash Kumar Pal –vs- BSNL, 2014 LAB. I.C. 4486,
14. Anoop Sharma –vs- Executive Engineer, Public Health Division No.1, Panipath (Haryana), 2010-III-LLJ-1(SC),
15. Mohan Lal –vs- Bharat Electronics Ltd., 1981-1-LLJ 70 (SC),
16. State Bank of India –vs- Sri N. Sundara Money, AIR, 1976 SC 1111.
17. Bangalore Water Supply & Sewerage Board –vs- A. Rajappa & Ors., 1978, LAB. I.C. 467 (SC),
18. Des Raj – vs- State of Punjab & Ors. etc., 1988 LAB. I.C. 1713 (SC),
19. P.W.D. Employees Union & Ors. –vs- State of Gujarat & Ors., 1988 1-LLJ-524 (SC),
20. R. Sreenivasa Rao –vs- Labour Court, Hyderabad & Anrs., 1990 (II) LLJ 577 (AP),

21. Ram Prasad& Etc. –vs- State of Rajasthan & Ors., 1992 LAB. I.C. 2139 (Raj),

22. Chief Conservator of Forest & Anr. –vs- Jagannath Maruti Kondhare Etc., 1996 (1) LLJ 1223 (SC),

23. Agricultural Produce Market Committee –vs- Ashok Harikuni & Anrs, 2000 LAB.I.C. 3304(SC),

24. Executive Engineer, C.P.W.D., Indoor –vs- Madhukar Purushottam Kolharkar & Anrs. 2000-II-LLJ-SC-1410,

25. State of U.P. through Executive Engineer, Nichali Ganga Nahar, Phoolpur, Kanpur –vs- Labour Court –II, U.P., Kanpoor & Anrs., 2013-II-LLJ 842 (All),

26. Union of India –vs- Raju Kr. Saha & Ors. 2020-III-LLJ-282 (Del) and

27. Coir Board, Ernakulam, Kerala & Anrs. –vs- Indira Devi P.S. & Ors. 1991-1-LLJ-1109 (SC).

On the other hand the Ld. Counsel for the management has referred to the following decisions in support of his submission:-

1. State of U.P. –vs-Jai Bir Singh passed in Civil Appeal No. 897 of 2002 on 05-05-2005 by Hon'ble Supreme Court,

2. Award passed by the predecessor of this Tribunal in CGIT-1/2013 on 10-10-2018.

3. State of Bihar -vs- Upendra Narayan Singh & Ors. 2009 Supreme 672 and

4. Secretary, State of Karnataka & Ors. –vs- Umadevi & Ors., 2006 (3) Supreme 415.

At the very outset Ld. Counsel for the management has contended that National Sample Survey Office is under Ministry of Statistics and Programme Implementation, Govt. of India and is a Central Govt. office, dealing with various statistical jobs, as required by the various departments of the Govt. of India from time to time and there is nothing industrial about it. This Tribunal has no jurisdiction to adjudicate the dispute in question.

Since the authority of NSSO has alleged that it being a Central Govt. office is not an industry. Therefore, before deciding the issue under reference, let me find out whether NSSO, under Ministry of Statistics and Programme Implementation being a Central Govt. office is an industry or not.

The terms "industry" is defined in section 2(j) of the I.D. Act is as it stood till date read as follows:-

'Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen.

It is true there is an amendment in the definition of the term "industry" in section 2(j) of the I.D.Act, 1947 through amending Act in 1982, in view of the decision in Bangalore Water Supply & Sewerage –vs- A. Rajappa & Ors. (Supra) but the said amendment has not been given effect till date by notifying the same by the Govt. Consequently, the term "industry" that has been interpreted by Hon'ble Supreme Court in Bangalore Water Supply & Sewerage –vs- A. Rajappa & Ors., prevails. More so, the Hon'ble Supreme Court in Coir Board, Ernakula –vs- Indira Debi (Supra) has been pleased to hold that the judgment of Bangalore Water Supply needs no reconsideration.

The Hon'ble Supreme Court in Bangalore Water Supply & Sewerage –vs- A. Rajappa & Ors. has given liberal interpretation to the word "industry" and held-

1. Any activity will be industry if it fulfils the "triple test", as under:

(i) Systematic and organized activity

(ii) With the cooperation between employer and employee

(iii) For the production and distribution of goods and services whether or not capital has been invested for this activity.

2. It is immaterial whether or not there is profit motive or whether or not there is capital.

3. If the organisation is a trade or business it does not cease to be one because of philanthropy animating the triple test, cannot be exempted from scope of definition of "industry".

4. Dominant nature test – whether there is complex activities, the test would be predominant nature of services and integrated nature of departments. All departments integrated with industry will also be industry.

5. The exceptions to industry are –

(a) Casual activities (because they are not systematic).

(b) Small clubs, co-operatives, research Labs, Gurukuls which have an essentially non-employee character.

(c) Single door lawyer taking help from clerk (because there is no organised labour).

(d) Selfless charitable activities carried on through volunteers' e.g. free legal or medical service.

(e) Sovereign functions – strictly understood i.e. maintenance of law and order, legislative functions and judicial functions.

Further, Hon'ble Supreme Court and different Hon'ble High Courts has interpreted the term "industry" as follow:-

The Hon'ble Supreme Court in All India Institute of Medical Science (Supra), held that AIIMS, an autonomous Govt. Public Medical University under the Ministry of Health and Family Welfare, Govt. of India to be an 'industry'.

Whether Agriculture Produce Market Committee established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 is an industry or not has come up for consideration before the Hon'ble Supreme Court in Agricultural Produce Market Committee –vs- Ashok Harikuni & Anrs (Supra) and held that the dominant function of the committee is to regulate and control trading of agriculture produce. The functions discharged or undertaken by the committee and its functionaries could be taken by private persons and therefore, the function of the committee cannot be termed as sovereign function. Hon'ble Supreme Court has further discussed what is sovereign and held "sovereign function in the new sense may have very wide ramification but essentially sovereign functions which only State could exercise. Thus, various functions of the State, may be ramifications of 'sovereignty' but they all cannot be construed as primary inalienable functions. Broadly it is taxation, eminent domain and police power which covers its field. It may cover its legislative functions, administration of law, eminent domain, maintenance of law and order, internal and external security, grant of pardon. So, the dicthomy between sovereign and non-sovereign function could be found by finding which of the functions of the State could be undertaken by any private person or body. The one which could be undertaken by private person or body cannot be sovereign function. In a given case even in subject on which the State has the monopoly may also be non-sovereign in nature. Mere dealing in subject of monopoly of the State would not make any such enterprise sovereign in nature. Absence of profit making or mere quid pro also not make such enterprise to be outside the ambit of "industry" as also in case of Bombay Hospital Mazdoor Sabha case (AIR 1960 SC 610)".

In Des Raj (Supra) the Hon'ble Supreme Court held Irrigation Deptt. and P.W.D. are "industry" though functions of the Irrigation Deptt. are essentially govt. functions and that those functions neither partake the nature of the trade and business nor are even remotely analogous thereto. The state govt. through Irrigation Deptt. render services in the matter of supply water by constructing canals and dams and therefore, such services does not fall between the ambits of the sovereign or regal function of the State. The service by the Irrigation Deptt. to the people at large comes within the definition of 'industry'.

The Hon'ble Supreme Court in Chief Conservator of Forest & Industry & Anrs. (Supra) held that the Social Forestry Work scheme undertaken by the Forest Department for conservation of forests and environment cannot be regarded as sovereign function as such scheme could be done by private individual or entity and thereby held that Forest Department as an 'industry'.

The Hon'ble High Court of Gujarat in P.W.D. Employees' Union & Ors. (Supra) held "merely because the legislative power in respect of National Highways or for that matter State Highways is left to the Union or the State Govt., it cannot be said that it would become such a function that it can be treated as sovereign function as strictly understood. It cannot be claimed to be a function akin to the legislative or judicial function or one akin to the defence of the state or nation. The construction of dams and allied activities is welfare activity or economic adventure undertaken by the Govt. as contra-distinguished from sovereign function strict sensu".

In R. Srinivas Rao (Supra), the Hon'ble High Court of Andhra Pradesh held that "objects and functions of National Remote Sensing Agency, that it has systematic activity or organisation with co-operation, between it and its employees, for the production and distribution of material services calculated to satisfy human wants and wishes. Of its functions, the more important ones to be noted are those relating to consultancy services or survey facilities, carrying out of surveys by using remote sensing technology for locating various natural resources, agriculture, hydrology, meteorology, fisheries, minerals, oils, soils, environmental monitoring, forestry, ocean resources, topography, land resources and crop disease surveillance and the distribution of the material to institutions and persons. I have, therefore, no hesitation to hold that the National Remote Sensing Agency satisfies the test laid down by the Supreme Court and that it is an 'industry' u/s 2(j) of the I.D. Act."

Further, held "sovereign functions are to be restricted to administration of justice and maintenance of order and prevention of crime or otherwise legislative powers, administration of laws and exercise of judicial power and inasmuch as activities of National Remote Sensing Agency do not come under these categories, it must be held that N.R.S.A. is an industry falling u/s 2(j)."

In Ram Prasad (Supra) the Hon'ble High Court of Rajasthan held that State Insurance and Provident Fund Deptt. of Rajasthan is an industry.

In State of U. P. (Supra) the Hon'ble High Court of Allahabad held that Irrigation Department of the State of U.P. to be an 'industry'.

In Raju Kumar Saha (Supra), the Hon'ble High Court of Delhi held that Office of the Controller General of Patents, Designs and Trade Mark to be an industry and its function could not be treated as inalienably sovereign, or akin to functions of taxation, eminent domain, legislative functions, administration and maintenance of law and order, internal and external security and police pardon. It could not be regarded as core sovereign functions which, were constitutionally incapable of delegation.

In Union of India & Anrs. (Supra) the Hon'ble High Court of Calcutta held that apparently Farakka Barrage Project by virtue of an agreement distribute Ganges water between India and Bangladesh can be said to be sovereign function, but other functions of the Barrage cannot by any stretch of imagination be described as sovereign functions and thereby held the Barrage to be an 'industry'.

Thus, from the above decisions it appears all kinds of organised activities giving rise to employee and employer relationship and all kinds of systematic organised activities undertaken by the State are covered by wide definition of 'industry' except those activities of State or Govt. Departments which are regal and sovereign in nature or inalienable functions of the State like law and order, defence, legislative and judiciary which are sovereign functions. What is approved to be "Sovereign" is defence of the country, raising armed forces, making peace or war, foreign affairs, power to acquire and retain territory. These are not amenable to the jurisdiction of ordinary civil courts. The other functions of the State including welfare activity of State could not be construed as "sovereign" exercise of power. Hence, every governmental function need not be "sovereign". State activities are multifarious. From the primal sovereign power, which exclusively inalienably could be exercised by the Sovereign alone, which is not subject to challenge in any civil court to all the welfare activities, which would be undertaken by any private person. One of the tests to determine if the legislative or executive function is sovereign in nature is whether the State is answerable for such actions in courts of law. For instance, acts such as defence of the country, raising armed forces and maintaining it, making peace or war, foreign affairs, power to acquire and retain territory, are functions which are indicative of external sovereignty and are political in nature. Therefore, they are not amenable to jurisdiction of ordinary civil court.

In view of above, now let me find out whether the function discharge by National Sample Survey Office is sovereign and regal in nature and not amenable to jurisdiction of ordinary civil court?

As per official site of National Sample Survey Office (NSSO) its primary function appears to be, to conduct of large scale sample surveys in diverse fields on All India basis. Primarily data are collected through nation-wide household surveys on various socio-economic subjects, Annual Survey of Industries (ASI), etc. Besides these surveys, NSSO collects data on rural and urban prices and plays a significant role in the improvement of crop statistics through supervision of the area enumeration and crop estimation surveys of the State agencies. It also maintains a frame of urban area units for use in sample surveys in urban areas.

The NSSO has four Divisions:

1. Survey Design and Research Division (SDRD): This Division, located at Kolkata, is responsible for technical planning of surveys, formulation of concepts and definitions, sampling design, designing of inquiry schedules, drawing up of tabulation plan, analysis and presentation of survey results.

2. Field Operations Division (FOD): The Division, with its headquarters at Delhi/Faridabad and a network of six Zonal Offices, 52 Regional Offices and 117 Sub-Regional Offices spread throughout the country, is responsible for the collection of primary data for the surveys undertaken by NSS.

3. Data Processing Division (DPD): The Division, with its headquarters at Kolkata and 5 other Data Processing Centres at various places, is responsible for sample selection, software development, processing, validation and tabulation of the data collected through surveys. Price and Wages in Rural India collected through schedule 3.01(R) is being processed at DPC Giridih. In addition, DPD is also processing the data of Periodic Labour Force Survey (PLFS). Industrial Statistics Wing (IS Wing), DPD, NSS, Kolkata is responsible for sample selection, data processing, validation and tabulation of the Annual Survey of Industries(ASI) data collected through a dedicated web-portal.

4. Survey Coordination Division (SCD): This Division, located at New Delhi, coordinates all the activities of different Divisions of NSS. It also brings out the bi-annual journal of NSS, titled “Sarvekshana”, and organizes National Seminars on the results of various Socio-economic surveys undertaken by NSS.

In the present reference case the dispute relates to the office of NSSO located at Kolkata. Therefore, it appears that the office of NSSO at Kolkata is known as Survey, Design and Research division, who is responsible for technical planning of survey, formulation of concept and definitions, sampling design, designing of inquiry schedules, drawing up of tabulation plan, analysis and presentation of survey results. Such activities of NSSO (SDRD Division, Kolkata) does not appear to be sovereign functions, rather a social welfare function to serve the public at large.

Therefore, the activities of NSSO, SDRD Division, Kolkata involves systematic activities or organisation with cooperation between it and its employees for the production and distribution of materials services calculated to satisfy the human wants and wishes. Its main function appears to be formulation of sample, designing, designing of enquiry, schedule drawing of tabulation plan, analyse data collected through survey and presentation of the data collected through survey. For distribution of the date collected by it to the institutions to private individual, entity, Govt. and to the public.

That functions discharge by SDRD does not appear to be a regal function or sovereign function for administration of justice and maintenance of order and prevention of crime otherwise legislative power and immune from being questioned before the court of law.

Therefore, in view of the wide interpretation of the definition of ‘industry’, the welfare activities of a State cannot be termed as a regal or sovereign functions. The functions of the NSSO being not sovereign, it comes within the definition of ‘industry’.

Since NSSO to be an industry, now let me adjudicate the issue whether there exists relationship of employer and employee between NSSO and those 24 daily rated workmen?

The Central Act is enacted to maintain harmony between employer and employee which brings peace and amity in its functioning. This peace and amity should be the objective in the functioning of all enterprises. This is to the benefit of both, employer and employee. Misuse of rights and obligations by either or stretching it beyond permissible limits have to be dealt with within the frame work of the law but endeavour should not be in all circumstances to exclude any enterprise from its ambit. That is why courts have been defining "industry" in the widest permissible limits and "sovereign" functioning within its limited orbit.

One of the issues under reference is whether the action of the management of NSSO, Kolkata in denying and regularisation of those 24 casual employees to be legal and justified?

The Union has demanded absorption and regularisation of those 24 casual workmen in permanent job of Group-D at present known as MTS in the establishment of NSSO.

It is the case of the union that those 24 workmen were assigned to do works normally done by a Group-D staff in a Govt. establishment for more than 10 to 18 years without any interruption. They used to supply drinking water, carry official papers and tranship technical papers, attend officers and carry out other miscellaneous jobs. At the relevant time there were vacancies in the post of MTS. NSSO requested the Govt. Ministry of Statistics and Programme Implementation for absorption of those 24 workmen but the Ministry refused.

While it is the case of the employer, that it took the services of some labours on daily wage basis for dusting, cleaning of furniture, floors and office premises, providing drinking water to staff and officers as and when required. That 24 labours were taken from way side and not through Employment Exchange. Those labours were paid wages on daily basis on 'no work no pay' at the wage rate of unskilled labour prescribed by the office of Commissioner of Labour, as notified from time to time. Those labours not being engaged through Employment Exchange or through open advertisement cannot not be given permanent/casual status. Those 24 labours cannot be given status of industrial labour in view of DOPT OM No.51016/2/9-Estt (C) dated 10-09-1993 which stipulates conditions to grant temporary status and regularisation of service to the persons, recruited on daily wage basis in the Central Govt. office as on 10-09-1993. In view of the decision rendered in Mohan Pal Case No.2224 of 2000 the scheme of 10-09-1993 is not an ongoing scheme and the temporary status can be conferred on the casual labours under the Scheme, only if they were in employment on the date of commencement of the scheme and it rendered continuous service at least 240 days in a year or 206 days (in case of offices having 5 days a week). The scheme of 1993 is not applicable to those 24 labours as they were not working for NSSO in the year 1993.

Thus, from the above facts it is admitted by NSSO, Kolkata engaging those concerned 24 labours to do job normally done by a Sweeper or a Group- D staff in a Govt. establishment on daily wage basis.

Sri Arun Das, one of the workmen (WW No.1) in his evidence has stated that he joined NSSO as a daily wage worker on 12-04-2006 and he worked till 31st May, 2015. He in his cross examination has stated that they were prevented from joining the duty as daily wage worker in the establishment of NSSO after they have raised an industrial dispute for their regularisation and for claim of bonus. In fact no materials have come in his cross examination to prove that he and other 23 workmen never worked in the establishment of NSSO for 240 days in a year.

That W.W. No.2, another workmen Sri Subrata Maity in his evidence has stated that he and other workmen have been rendering their services to NSSO as a daily rated workmen from the date they joined the establishment till May, 2015. He has also stated that he and other workmen are not working for NSSO since May, 2015. He during his cross examination recorded on oath in the Tribunal stated that he joined the establishment of NSSO on 10th April, 2001. He has further stated that the vacancy in Group "D' post was never advertised by NSSO. That he used to work daily in the office of NSSO and wage was also paid on month to month basis. He was paid wages for the days he worked in the department. No appointment letter was issued to him. The management has failed to shatter such statement given by him during his cross examination. In fact management has failed to prove this witness and other 23 workmen never worked for NSSO for more than 240 days in a year in the capacity of a peon and sweeper.

Such facts prima facie prove that 24 workmen though branded as way side labours or daily rated unskilled labours appear to have/had render jobs which is normally discharged by a regular Group-D staff of a Govt. establishment like Peon or Sweeper as they were assigned to do cleaning jobs of office establishment and also

carrying errand of the offices and moving files of the office from one table to another and worked for more than 240 days in a year in the establishment of NSSO.

That apart, there is no denial in the written objection/statement filed by the employer about those 24 workmen rendering more than 240 days service in a year to the department.

It has been alleged by the Ld. Counsel for the Union, the management have taken the service of those workmen for years together on daily wages against permanent post and thereby indulged in unfair labour practice with a malafide motive of depriving them the status and privilege of permanent workmen.

Exhibit- W-3, note sheet dated 07-09-2012, prepared by Sri Satyajit Paul, Director (CSW) NSSO, Data Procession Division Headquarters, Common Service Wing, reveals that 24 daily wage labours were engaged in DPD, Kolkata and 6 in DPC, New Delhi. They were engaged locally. Some of them were nominated by the Employment Exchange where some were engaged directly and they have subsequently registered themselves in the Employment Exchange. Some of them are educationally qualified and some were not. These persons are working in DPD for 5 to 15 years. They are also working sincerely and satisfactorily.

However, it further contains that Govt. organisation were to outsourced casual nature of job to an agency. The persons were to be hired/engaged by the agencies and payment was to be made by the Govt. to the agencies. That such procedure was not followed by DPD, Kolkata and directed to explain the lapses in not complying Ministry's letter No.A-11011/2/2010-Ad.(I) dated 28-04-2011 and in future to discontinue with the direct engagement of daily wagers and outsourced the work to any agency.

It further shows that after implementation of recommendation of 6th Central Pay Commission by Govt. of India and in view of DOPT vide its OM No.AB-14017/6/2009-Estt. 30th April, 2010 there will be no further recruitment in Group-D posts. These posts are classified as Group-C, the posts are placed in Pay Band-I with Grade Pay of Rs.1800 and also circulated the model Recruitment Rules for MTS.

In view of DOPT's OM No.AB-14017/6/2009-Estt. (RR) dt. 12th May, 2010, the Staff Selection Commission has been given the mandate to make recruitment to all non-technical Group-'C' posts in the Ministries/Departments Govt. of India and their Attached and Subordinate Offices.

In view of DOPT's OM No.AB-14017/6/2009-Estt. (RR) dt. 8th February, 2011, Educational Qualification of Group-C posts in Pay Band 1 Rs.5200-20200 plus grade pay Rs.1800 is Matriculation pass or equivalent from a recognised Board or Industrial Training Institute pass Certificate from a recognized institute.

It further discloses 41 such workers fulfilling such criteria were regularised in Employees State Insurance Corporation on 12-01-2011. That 5 casual workers were regularised in Department of Economic Affairs on 27th -01-2009 and 280 casual workers were absorbed in the office of the Principal Accountant General (Audit), West Bengal on the basis of a selection process relaxing the educational qualification and upper age limit. That their regularisation was processed by C& AG, New Delhi. Thereafter an open competitive recruitment process was undertaken wherein other than eligible candidates from the citizen of India, casual employees working under their offices across India were also considered with relaxation of educational qualification and upper age limit. The educational qualification were relaxed for two years only to get themselves educationally qualified. The upper age limit was relaxed to the extent of service provided by them as casual workers.

It further reveals in DPD and SDRD, 47 posts of Group –D are vacant. Dossiers for 25 MTS have been received out of which 9 have already joined and the rest are under process. Thus, there are 22 posts of MTS which are required to be filled and requested the Ministry to absorb some of them against the vacancies of MTS in DPD, Kolkata. Further, office note discloses the department decided to write to the Ministry for regular appointment of those 24 casual workers against the available vacancy.

Exhibit-4 dated 11-02-2014 appears to be the letter written by Sri Satyajit Paul, Director (CSW) to the Under Secretary to the Govt. of India, Ministry of Statistics and Programme Implementation, New Delhi for absorption of 24 daily labours working in DPD, Kolkata. Such letter also discloses that the post of Group-D was not filled up in the DPD as per the advice of Ministry in the year 2002 and as a result huge number of posts of Group-D

category were fallen vacant during 2002-2007. However, for managing the day to day work, DPD was constraint to take the services of some labours on daily wage basis. It further reveals the services of those daily wage labours was utilised for dusting, cleaning of furniture, floors and office premises, providing drinking water to staff and officers, to carry materials, schedules etc., maintenance of office compound/garden etc. services are also being taken at the time of organising training, seminars, workshop etc. Those 24 workmen were providing services with sincerity and dedication and as a result gained sufficient experience over the time. Those 24 daily wage labours were engaged locally in DPD, Kolkata. Some of them are educationally qualified where as some are not. The wages were paid on daily basis at the wage rate of unskilled labourers prescribed by the Office of the Commissioner of Labour, a notified from time to time. That no further engagement of such labourers has been made in DPD since February, 2008. That on 11-02-2014 there were 49 posts of MTS lying vacant in DPD including its outlying DP Centres and SDRD.

It further discloses that while considering the representation made by Sri Abhijit Ghosh, the Ministry had informed he cannot be absorbed as MTS has to be recruited through SSC through competitive examination.

But the case of those 24 casual workers were placed before the Ministry for regularisation after relaxing of age limit and educational qualification as one time measure or confer them casual status which Ministry has rejected. Once again Mr. Satyajit Paul requested the Ministry for consideration of absorption of those 24 workmen as MTs after relaxing their age limit and educational qualification.

Exhibit-5 shows that Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training vide its office memo dated 16-10-2014 directed all Ministries/Departments for sending consolidated proposal by 30-11-2014 for regularisation of those remaining casual labours and temporary staffs who were on the rolls of different Ministries/ Departments on 10-09-1993 and yet could not be regularised.

Exhibits-6 and 7, the information supplied under RTI Act, show that in DPD/SDRD there was 30 vacancies in the post of MTS as on 01-06-2018 and 43 MTS had joined after 11-02-2014.

From the above exhibited documents it proves, 24 workmen have/had rendered their services as casual labours or casual workmen for more than 5 to 15 years doing the similar nature of job which is normally discharged by a permanent regular Group-D staff of Govt. establishment and at present known as MTS in the Central Govt. organisation.

It also appears, though they were appointed as casual workers by NSSO, Data Processing Division, Kolkata but they were made to work or render permanent nature of job normally discharged by a Peon and Sweeper of a Govt. establishment.

Exhibit W-4 prove in the year 2002, the Ministry advised DPD not to fill up any posts on regular basis pending study by the SIU regarding the manpower requirement of DPD and its outlying centres and as a result a good number of posts in Group-D category were fallen vacant during 2002 to 2007. However, to manage day to day work DPD was constrained to take the services of some labourers on daily wage basis. Such facts corroborate the case of the Union that those 24 workmen were engaged as daily rated workers by DPD, Kolkata to discharge the job of a Peon and Sweeper. Such facts also prove that the service of those 24 workmen were taken by NSSO, DPD, Kolkata against the permanent vacant posts of Group-D which were lying vacant due to restrained order from the Ministry.

So, it is seen the Ministry of Statistics and Programme Implementation, through DPD extracted work from those 24 daily rated employees for decades and made them to discharge all the works normally discharged by permanent Group-D employee (MTS) and keeping the permanent posts vacant for years together demonstrate arbitrary exercise of power.

Further, engagement of those 24 workmen cannot be termed as irregular appointment as Exhibit-4 prima facie shows that Ministry advised DPD in the year 2002 not to fill up any post on regular basis pending study by the SIU regarding the manpower requirement of DPD and its outlying centres and for the reason good number of posts in Group-D category were lying vacant during the period from 2002 to 2007. So, it appears, during such period DPD, Kolkata appears to have engaged those 24 workmen when there was a strict directions not to fill up permanent posts of Group-D.

So, it is not the case that those 24 workmen were appointed to do the job of Group-D staff to the exclusion of other eligible candidates and their appointment cannot be said to be unreasonable or arbitrary to eliminate the eligible candidates.

Ld. Counsel for the workmen by referring to Vidyasagar –vs- Manikrao & Anrs. (supra) contended since the employer has failed to adduce evidence and produced any documentary evidence a presumption can be drawn that the case set up by the employer in is written statement is not correct and not proved.

Ld. Counsel for the Appellant submitted that the written objection filed by the management is not verified and as such not maintainable. In support he referred to Rajasthan State Road Transport Corpn. –vs- Bajrang Lal (supra) and submits that it is settled proposition of law the party has to plead the case and produce/adduce sufficient evidence to substantiate his submission made in the plaint and in case the pleadings are not complete, the court is under no obligation to entertain the pleas. Absence of necessary pleadings and supporting evidence cannot be sustained in law.

Be that as it may, Hon'ble Supreme Court in Mineral Exploration Corporation Employees Union–vs- Mineral Exploration Corpn. Ltd. & Anrs. (supra), held that workmen who had completed long years of service ranging from 8 to 20 years cannot be termed as temporary or casual workers. Once an employee completes 240 days, he is deemed to be a permanent employee.

In ONGC Ltd. -vs – Petroleum Coal Labour Union (supra) it has been held employing the concerned workmen as temporary employees against permanent posts who have been doing perennial nature of work and continuing them as such for number of years is an unfair labour practice as defined u/s 2(ra) of the Act and which is statutorily prohibited u/s 25-T of the Act of 1947.

The Hon'ble Supreme Court in Chief Conservator of Forest & Anrs. –vs - Jagannath Maruti Kondhare (supra) held that employment as badlis, casual or temporaries for years with the object of depriving them the status of permanent employees is held to be unfair labour practice.

Hon'ble Supreme Court in Urmila Gram Panchayet –vs- Secretary, Municipal Employees Union & Ors. (supra) held that "employing badlies, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent employees is an unfair practice on the part of employer under Item 6 of Schedule-IV. Once such unfair labour practice on the part of the employer is established in the complaint, the Industrial and Labour Courts are empowered to issue preventive as well as positive direction on an erring employer. That unfair labour practice was not the subject matter in Umadevi's case. Industrial Dispute Act prohibits unfair labour practices on the part of the employer in engaging employees as casual or temporary employees for a long period without giving them the status and privileges of permanent employees. That workmen who have worked for more than 240 days in a calendar year from the date of their initial appointment and not making their services permanent is erroneous and also amount to error in law and which cannot be allowed to sustain in law and directed the Panchayat to regularize service of those casual workmen as permanent employees.

In the present case the evidence both oral and documentary which have come on record and the admission made by the management of NSSO, prove about engagement of those 24 workmen as casual to do the perennial nature of jobs rendered by permanent Group-D staff in the category of Peon and Sweeper. That they were engaged some time in the year 2002 when the Ministry had directed the DPD, Kolkata not to recruit any Group-D staff. That no casual/ temporary/ daily rated labourers were engaged after February, 2008. Such facts prima facie prove that those 24 workmen worked for more than 240 days since the day they were engaged and till their services was stopped in the year 2015. That they were engaged to work as substitute to those Group-D posts lying vacant. From Exhibit-4 it is seen good number of posts in Group-D category had fallen vacant during the period from 2002 to 2007 and there was 49 vacancies in the post of MTS on11-02-2014. Such facts further prove indulgence in unfair labour practice and exploitation of those 24 workmen by a Govt. establishment to deprive them of the status and privileges of permanent workmen as per section 2 (ra) of the I.D. Act and in violation of section 25-T of the I.D. Act.

Exhibit-4 shows that some of those 24 workmen possessed required educational qualification and some do not. It is admitted fact that those 24 concerned workmen are no more in the service of NSSO, DPD, Kolkata since 2015. Further, no details have come on record about their educational qualification and about their age and to prove whether they possess the required educational qualification of Matriculation to be absorbed as MTS in a Central Govt. organisation and they have not yet attended the age of superannuation. Thus, this Tribunal is unable to direct NSSO, DPD, Kolkata to regularise those 24 casual workmen against permanent post of MTS/ Group-D, but they having rendered service for years together to the Deptt. Of NSSO, DPD, Kolkata against vacant permanent posts of Group-D/ MTS in a meagre wages without any other financial benefits to which a regular Group-D employee is entitled to. Thus, they are awarded lump sum compensation of Rs.10,00,000/- (Rupees Ten Lakh) each. In case any of the workmen has died during the pendency of this reference, then his legal heirs are entitled to get the compensation. Consequently, no award is passed in respect of unproductive bonus as claimed by the workmen.

The NSSO, DPD, Kolkata is hereby directed to pay the awarded compensation of Rs.10 lakh each to those 24 workmen or to their legal heirs within three months from the date hereof failing which the concerned employees or their legal heirs are entitled to execute the award as per law.

Accordingly Reference No. 1 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 425.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्यकारी निदेशक, बीएचईएल, पिपलानी, भोपाल (म.प्र.), के प्रबंधतंत्र के संबद्ध नियोजकों और महासचिव, बीएचईएल कर्मचारी ट्रेड यूनियन, पिपलानी, भोपाल- (म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/59/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 29.02.2024 को प्राप्त हुआ था।

[सं. एल- 42011/60/2015- आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 29th February, 2024

S.O. 425.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. CGIT/LC/R/59/2015**) of the **Central Government Industrial Tribunal cum Labour–Jabalpur,** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Executive Director, BHEL, Piplani, Bhopal (M.P), and The General Secretary, BHEL Karamchari Trade Union, Piplani, Bhopal- (M.P),** which was received along with soft copy of the award by the Central Government on 29.02.2024.

[No. L- 42011/60/2015- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/59/2015
Present: P.K.Srivastava
H.J.S..(Retd)

The General Secretary,
BHEL Karmchari Trade Union,
37, N-2, C-Sector, Piplani,
BHOPAL(M.P.) – 462021

Workman

Versus

The Executive Director,
BHEL, Piplani,
BHOPAL(M.P.) - 462021

Management

AWARD

(Passed on this 24th day of January-2024.)

As per letter dated 17/06/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42011/60/2015 (IR(DU)) dt. 17/06/2015 . The dispute under reference related to :-

"1. Whether the clause No. 17(4) of Standing Order of BHEL, Bhopal which says 'Employee who is required to use time card shall punch the card in the time clock at the time of reporting for duty and of leaving duty i.e. 4 times a day, at the beginning & end of shifts and beginning and end of lunch or dinner break which deals which the method of attendance of workers has become service condition or not?" 2. "Whether any change in Clause 17(4)/method of attendance without amendment in service condition attracts notice of change under Section 9 of ID Act, 1947 or not?' 3. "If yes, whether

the action of the management of BHEL in deviating from the provisions of certified Standing Orders without giving notice under Section 9 of ID Act to the union is justified? If not, whether the management should follow the certified Standing Order as claimed by BHEL Karmchari Trade Union, or what relief the union/workers are entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense. Although management was present several time.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 426.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स सेंट्रल इन्वेस्टिगेशन एंड सिक्योरिटी सर्विसर लिमिटेड, नई दिल्ली,** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री सुदीप धाकड़,कामगार,** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/35/2022) को जैसा कि अनुलग्नक में दिखाया गया है**, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 29.02.2024 को प्राप्त हुआ था।

[सं. एल- 42025/07/2024-30-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 29th February, 2024

S.O. **426.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. CGIT/LC/R/35/2022**) of the **Central Government Industrial Tribunal cum Labour–Jabalpur,** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/S Central Investigation & Security Servicer Limited, New Delhi, and Shri Sudeep Dhakad, Worker,** which was received along with soft copy of the award by the Central Government on 29.02.2024.

[No. L- 42025/07/2024-30- IR **(**DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/35/2022
Present: P.K.Srivastava
H.J.S..(Retd)

Shri Sudeep Dhakad
S/o. Shri Sujan Singh,
Madamlal, Ganw Hardout,
Tehsil: Gairatganj, Hardoutk,
Raisen (Madhya Pradesh)-464 884. **Workman**

Versus

M/s.Central Investigation &
Security Services Limited,
C-117, 2nd Floor,
Mayapuri Industrial Area, Phase-II,
New Delhi-220 064.

Management

AWARD

(Passed on this 02nd day of February-2024.)

As per letter dated 29/06/2022 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number J-1(1-7)/2022-IR dt. 29/06/2022 . The dispute under reference related to :-

"क्या आवेदकगण श्री सुदीप धाकड़, श्री आकाश कुमार अहिरवार एवं श्री नीरज शर्मा को मैसर्स सेन्ट्रल इन्वेस्टिगेशन एण्ड सिक्योरिटी सर्विसेस कंपनी में सुरक्षागार्ड के पद पर नौकरी पाने के हकदार हैं? यदि हों, तो वे किन लाभों के साथ नौकरी पाने के हकदार है?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 427.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षक, रेलवे मेल सेवा, भोपाल (म.प्र.), के प्रबंधतंत्र के संबद्ध नियोजकों और श्री रामदुलारे तिवारी और श्रीकरण सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या CGIT/LC/R/11/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 29.02.2024 को प्राप्त हुआ था।

[सं. एल- 40012/88/2014-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 29th February, 2024

S.O. 427.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/11/2015) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Superintendent, Railway Mail Service, Bhopal (M.P), and Shri Ramdulare Tiwari & Shri Karan Singh, Worker, which was received along with soft copy of the award by the Central Government on 29.02.2024.

[No. L- 40012/88/2014-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/11/2015

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Ramdulare Tiwari

S/o Sh. Moolchand Tiwari,

Vijay Oil Mills, Bajrangpura,
Gandhi Nagar, ARSI-461111

Shri Karan Singh
S/o Sh.Sunder Singh,
S.A.O
ITARSI-461111

Workman

Versus

The Superintendent,
Railway Mail Service,
M.P. Division,
BHOPAL (M.P.)-462001

Management

AWARD

(Passed on this 24th day of January-2024.)

As per letter dated 05/01/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-40012/88/2014 (IR(DU)) dt. 05/01/2015. The dispute under reference related to :-

> **"Whether the action of the management of Railway Mail Service in not regularizing the services of Shri Ramdulare Tiwari & Shri karan Singh even after completing 240 days in a calendar year is justified? If not, to what relief these workmen are entitled for?"**

After registering a case on the basis of the reference received, Notices were sent to the parties and were duly served on them.

According to the statement of claim from the Workman side, these two Workmen had raised a dispute against their illegal termination of services and on the basis of reference made by the Central Government, two cases that is case number 136/90 and 137/90 were registered. Award was passed by this Tribunal on January 10, 1992, which was as follows :-

> "it is established that they have worked for more than 240 days continuous service and for want of compliance of provisions of section 25F of industrial disputes act, their retrenchment is void. They are also entitled to be reinstated in service with all back wages and continuity in service and regularisation, etc"

According to the workman, this award was challenged by management. Before Hon'ble High Court of MP in WP number 3856/96, which was dismissed vide order dated November 28, 2000 and the award was confirmed. It is further, the case of the workmen that the management did not regularise the services of the workmen nor did it pay the back wages and other consequential reliefs rather issued a Government Circular G.I.M.F.O.M.No. 49014/89-Est.(C) dated February 26, 1990. Accordingly, the workmen have prayed that the management be directed to award them back wages and also regularise their services.

According to the management, the workmen were engaged purely as daily rated Mazdoors for a period of not more than seven hours in a day as and when required in the Itarasi Mail Service in the year 1982 and where disengaged in the year 1986 because there was no excess work of casual nature in the Department. According to management, they first approached before the Central Administrative Tribunal against the award. The Central Administrative Tribunal Jabalpur Bench held their appeal not maintainable and thereafter they filed WP number 3857/96, which was dismissed after hearing by Hon'ble High Court of MP. It is further, the case of management that after the final judgment of Hon'ble High Court of MP, the award was fully implemented vide, later dated February 1, 2006 and the applicant Workmen, were reinstated in the same capacity on which they were engaged before the disengagement. They were also given all the back wages as directed in the award and are working as such till date. Regarding their claim of regularisation of their services. According to the award, they raised a dispute before Regional Labour Commissioner, where they played for the regularisation of their services. It is also the case of

management that the demand of regularisation of their services cannot be accepted on the ground that their claim is only on the basis of the award and secondly, the reference on the basis of which the award was passed was as to whether the action of management of Supt Rail Mail Services M.P. Division Bhopal in not permitting the workers with effect from July 13, 1986 is justified or not. If not, to what relief the workers are entitled to. Since the reference was not regarding regularisation of their services, they could not be regularised.

The applicant Workmen have filed a rejoinder, wherein they have reiterated their claim.

In evidence, the workmen have filed the certified copy of the award. They have also filed an affidavit of the two applicant Workman ie Ramdulare and Karan Singh. Management has cross-examined the workman Ramdulare.

Management has not filed any oral or documentary evidence.

At this stage of argument also, none appeared from the side of management. Hence, argument of learned counsel for Workman side was heard. I have also gone through the record. None of the parties have filed any written arguments.

The reference itself is the issue for determination in the case in hand.

As it comes out from the perusal of the award, about which both the parties admit that it was confirmed by Hon'ble High Court, It is crystal clear that it is final between the parties and is binding on the parties. The award itself holds the applicant Workman entitled to back wages and also to regularisation. Now at this stage, management cannot be permitted to take the plea that the regularisation was never an issue. This is an absurd plea which requires to be rejected and is rejected accordingly. No party to litigation can be permitted to flout the order/ judgment of any court when it is final between the parties. If they want to a vide liability under the judgment, the only way is to challenge it before higher authority.

In the light of above finding, the action of management in not regularising the applicant Workmen in the light of award is a held non-compliance of the award and the applicant Workmen are held entitled to all the in service and post retirement benefits admissible to the regular employees of management from the date of the Judgment of Hon'ble High Court of MP in WP number 3856 of 1996. The workmen are further held entitled to litigation cost in which they have been unnecessarily dragged in by management, to be computed at Rs/- 50000/-also. Management is obligation to implement the award within 30 days from the date of its publication in all official Gazette, failing which interest at the rate of 10% per annum. The reference is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 428.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (43/2017) प्रकाशित करती है।

[सं. एल-12012/57/2015- आईआर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 29th February, 2024

S.O. 428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.43/2017*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12012/57/2015- IR(B-II)]

SALONI, Dy Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL–CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 43/2017

Ref. No. L-12012/57/2015-IR(B-II) dated: 06/13-11-2015

BETWEEN

Shri Mahanand Pandey, S/o Late M.K. Pandey, 102-A/4, Juhi Safed Colony, Kanpur(U.P.) - 208014

AND

1. The Chairman, Punjab National Bank, HRD, Head Office, 7-Bhikaji Cama Place, Africa Avenue, New Delhi
2. The Dy. General Manager, Punjab National Bank, HRD, Head Office, 7-Bhikaji Cama Place, Africa Avenue, New Delhi
3. The General Manager, Punjab National Bank, 10-Ashok Marg, Lucknow
4. The Divisional Manager, Punjab National Bank, Birhana Road, Kanpur(U.P.)

AWARD

By order No. L-12012/57/2015-IR(B-II) dated: 06/13-11-2015 the present industrial dispute has been referred for adjudication to CGIT-cum-Labour Court, Kanpur and subsequently, transferred to this CGIT, Lucknow vide order dated 05.10.2017 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the action of the management of Punjab National Bank, Kanpur in retiring from service Shri Mahanand Pandey S/o Late M.K. Pandey with effect from 30.09.1997 instead of 30.09.2002 is just fair & legal? If not, to what relief the workman concerned is entitled to?"

In response to reference on 26.11.2015, applicant has filed the present industrial dispute before this Tribunal.

Facts as taken by applicant in his statement of claim are as under:

That in the month of October, 1960 he was appointed on the post of Hundi Prebentor at Punjab National Bank, started working and discharging his duties.

It is further stated in claim petition that on 29.09.1997 he wrote a letter to the concerned authority of Punjab National Bank, Juhi Branch, Kanpur where he was posted that he was going to be wrongly retired w.e.f. 30.09.1997 as his date of birth as per the High School Certificate is 11.09.1942 so he is to retire on 30.09.2002; however, ignoring the said facts he has been retired from said service.

In view of the said factual background the relief as claimed by the claimant is as under:

"श्रीमान् जी से सविनय निवेदन है कि न्यायहित में प्रार्थी को *30-9-1997* से *30-09-2002* तक का बकाया वेतन, लागू एवार्ड सेटिलमेन्ट, एरियर, ग्रेच्युटी, पी०एफ०, संशोधित पेंशन, लीव-इन-कैशमेन्ट, समयानुसार पदोन्नति तथा अन्य सुविधायें नियमानुसार दिलवायी जाए।"

On behalf of the respondent on 01.04.2016 filed written statement filed; wherein it is stated that as per record applicant was appointed on 01.10.1958 and his date of birth as per Bank is 11.09.1937 and upon reaching age of superannuation he was retired on 30.09.1997.

Further, it was pleaded in the written statement that applicant has raised an industrial dispute before A.L.C. (C), Kanpur in which a reply was filed by competent authority on behalf of bank on 25.08.2015 after hearing rival contentions at length, failure of conciliation report dated 16.09.2015 was sent by authority under, Ministry of Labour and Employment, New Delhi.

In this regard in para 10 of the written statement, it is stated by the respondent as under:

"10. That representation dated 08.12.2014 was sent by applicant to office of Prime Minister of India and thereafter letter dated 19.05.2015 was sent to the applicant by which correct position of facts was disclosed by the opposite party bank. In view of the preceding submissions, it is clear that the claim raised by the applicant is liable to be rejected.

i. Further, the claimant has not mentioned anything about the Writ Petition and its order of disposal before this Hon'ble Tribunal. This petition was also filed by him in 2002 i.e. after 5 years of his retirement from Bank. He was sleeping all the while and now he has waken up just to raise such false allegations against the Bank. That the present dispute is already decided upon by the Hon'ble High Court, Allahabad, Lucknow Bench vide its order dated 10.10.2002 in Writ Petition No. 5806/2002 filed by the workman. The workman without availing the alternate remedy of approaching this Hon'ble Forum, instead approached Hon'ble High Court, where the said petition was disposed of and now when he has approached this Forum after a delay of more than 18 years, has not at all mentioned about the said petition and its disposal order. He has also not given reasons for this belated application made by him. This is merely abuse of process of law on part of the workman. In the case, S P Sahni's Case 1991 (I) SCR 785[1991 (I) SCR 785], the Hon'ble Supreme Court held that the Petitioner is filling multiple-litigation for the same cause of action-directed registry so it will not to entertain any further petition arising out of same cause of action and for the same relief. He is just concocting false stories just to get pecuniary gain from bank. He is liable to be punished by law for misleading this Hon'ble Forum by making false allegations against the Respondent Bank."

Thereafter, Rejoinder Affidavit along with documents i.e. Annexure no. 1 to 3 was filed by the workman.

On 18.05.2016, on behalf of workman following documents have been filed:

1. Certificate High School

2. Letter of Management dated 20.07.1963 Address to commandant

3. Letter of Management dated 11.08.1970 Address to the Applicant

4. Letter of Management dated 17.01.1986 Address to the Applicant

5. Letter of Management dated 15.02.1986 Address to the Applicant

6. Letter of Management dated 14.03.1986 Address to the Applicant

7. Letter of Management dated 16.05.1986 Address to the Applicant

8. Copy of P.A.N card of the applicant

9. Applicant Letter dated 29.09.1997"

In rebuttal, on behalf of the Bank documents which were also filed, in support of its case are as under:

1. A copy of Pension Payment Proposal along with Identification Form of Shri Mahanand Pandey.

2. A copy of letter dated 29.07.1997 whereby Shri Mahanand Pandey requested for Commutation of Pension.

3. A copy of Hon'ble High Court Allahabad, Lucknow Bench order dated 10.10.2002 in respect to Writ Petition No. 5806 of 2002- Mahanand Pandey V/s Punjab National Bank, whereby the Hon'ble High Court has dismissed the Writ of Shri Mahanand Pandey.

4. A copy of the notice dated 05.06.2015 sent by Labour Enforcement Officer (Central), Kanpur to our Office enclosing therewith the complaint submitted by Shri Mahanand Pandey.

5. A copy of letter dated 22.06.2015 sent by Chief Manager, Circle Office, Kanpur to the concerned branch to trace Annexure dated 29.09.1997 submitted by Shri Mahanand Pandey along with his complaint.

6. A copy of letter dated 02.07.2015 sent by Branch Manager in compliance to the letter sent by Chief Manager, Circle Office, Kanpur, alongwith report placed by Peon of the branch."

On 07.02.2017, management also filed following documents:

"1. Copy of circular dated June 25, 1990

2. Copy of bank letter dated 06.10.97 along with pension calculation & P.P.O.

3. Copy of letter dated 29.09.97 filed by claimant before A.L.C.[C], Kanpur

4. Copy of writ petition no. 5806[s/s] of 2002 preferred by applicant

5. Copy of bank's reply dated 12.06.15 before L.E.O."

On 07.09.2016, on behalf of applicant filed evidence on affidavit in support of his case and was cross-examined on 01.03.2017.

On behalf of the management evidence on affidavit has been filed of Sri Hussain Raza, cross-examined on 03.08.2017.

Finding & conclusion:

I have heard learned counsel for parties and gone through the records.

After hearing the counsel for parties, the admitted position which emerged out from material on record that aggrieved by the retirement w.e.f. 30.09.1997 instead of 30.09.2002, applicant filed a Writ Petition No. 5806 (SS) of 2002 Mahanad Pandey vs. Punjab National Bank, with the following relief:

"(I) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to treat the petitioner to have retired on 30th September, 2002 and to grant all service benefits including arrears of salary. increments, promotions etc. which have been accrued upto 30th September, 2002.

(II) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to re-fix the pension of the petitioner and grant other retirement benefits treating the petitioner to have retired on 30 September, 2002.

(III) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to consider and decide the representation of the petitioner on the basis of the date of birth recorded in the High School Certificate of the petitioner and other material placed by the petitioner in his representation.

(IV) Issue any other appropriate writ, order direction as this Hon'ble Court may deem just and proper in the circumstances of the case, and

(V) Allow this petition with costs."

By an order dated 10.10.2002, dismissed, relevant portion reads as under:

"Petitioner has retired from Clerical Cadre of the Punjab National Bank in the year 1997. By means of this writ petition he has prayed for a writ of mandamus directing the respondents to treat petitioner to have retired on 30.9.2002 and to grant all service benefits including arrears of salary etc. In substance, petitioner's claim is that he was wrongly retired in the year 1997 as his date of birth, according to high School Certificate, is 11.9.1942.

Petitioners retired 5 years ago. He was all along aware of the date of his birth. He cannot be permitted to agitate this matter after 5 years his retirement. This writ petition is dismissed on account of latches."

Thereafter he has raised the conciliation proceedings and on failure of conciliation proceedings, the matter was referred to this Tribunal for adjudication by reference order dated 06/13-11-2015, which reads as under:

"Whether the action of the management of Punjab National Bank, Kanpur in retiring from service Shri Mahanand Pandey S/o Late M.K. Pandey with effect from 30.09.1997 instead of 30.09.2002 is just fair & legal? If not, to what relief the workman concerned is entitled to?"

Needless to mention that while filing the claim petition on 26.11.2015, in pursuance to reference order, the claimant did not state/plead in respect to the fact in regard to filing of Writ Petition, filed by the claimant, challenging his retirement order and order passed therein.

Moreover, he has also not stated that after his retirement a pension payment order (document no. 23 of 16) issued by the Bank w.e.f. 01.10.1997 and in pursuance to same was retired and he received his post retiral dues.

In view of the above said facts the first question to be considered whether in view of said facts, present claim petition is maintainable or not, on the ground of concealment of the above said fact?

In the present case, it is not in dispute; rather admitted fact that initially aggrieved by order of his retirement on 30.09.1997 instead of 30.09.2002, he approached Hon'ble High Court by filing a Writ Petition No. 5806 (SS) of 2002 Mahanad Pandey vs. Punjab National and on 10.10.2002, an order was passed, which is quoted hereinabove, by which the Writ Petition filed by the claimant/petitioner was dismissed on the ground of latches.

While raising the reference as well as filing the claim petition the said fact has been concealed by the applicant, as a result of which the reference was made and matter was referred to this Tribunal; accordingly, the present industrial dispute has been registered for adjudication.

In view of the above said facts, the petitioner concealed the above said material facts while finding the claim before this Tribunal, for his personal gains with oblique motive and purpose and not come with a clean hand.

It is a settled principle of law that When a person approaches a Court for redressal of his grievances, he should approach the Court/Tribunal not only with clean hands but also with clean mind, clean heart and clean objective. (Vide *The Ramjas Foundation & Ors. Vs. Union of India & Ors., AIR 1993 SC 852; K.P. Srinivas Vs. R.M. Premchand & Ors., (1994) 6 SCC 620*). Thus, who seeks equity must do equity. The legal maxim "*Jure Naturae Aequum Est Neminem cum Alterius Detrimento Et Injuria Fieri Locupletiorem*", means that it is a law of nature that one should not be enriched by the loss or injury to another. In ***Nooruddin Vs. (Dr.) K.L. Anand, (1995) 1 SCC 242***, the Supreme Court observed as under:

"..... Equally, the judicial process should never become an instrument of appreciation or abuse or a means in the process of the Court to subvert justice."

In ***Abdul Rahman Vs. Prasony Bai & Anr., AIR 2003 SC 718***; and ***S.J.S. Business Enterprises (P) Ltd. Vs. State of Bihar & Ors., (2004) 7 SCC 166***, the Hon'ble Supreme Court held that whenever the Court comes to the conclusion that the process of the Court is being abused, the Court would be justified in refusing to proceed further and refuse relief to the party. This rule has been evolved out of need of the Courts to deter a litigant from abusing the process of the Court by deceiving it. However, the suppressed fact must be material one in the sense that had it not been suppressed, it would have led any fact on the merit of the case.

Further, the said act on the part of applicant, not disclosing the material fact as stated above, is a dishonesty and same should not be permitted to bear the fruit and no benefit can be given to him as he has played fraud or misrepresentation for his personal gains and profit, as held the Hon'ble Supreme Court in the case of ***S.P. Chengalvaraya Naidu (dead) by L.RS. Vs. Jagannath (dead) by L.Rs. & Ors.***. Because in the case of ***Smt. Shrisht Dhawan Vs. Shaw Brothers., AIR 1992 SC 1555***, it has been held as under:

"Fraud and collusion vitiate even the most solemn proceedings in any civilized system of jurisprudence. It is a concept descriptive of human conduct."

In ***United India Insurance Co. Ltd. Vs. Rajendra Singh & Ors., (2000) 3 SCC 581***, the Apex Court observed that "Fraud and justice never dwell together" (*fraus et jus nunquam cohabitant*) and it is a pristine maxim which has never lost its temper over all these centuries.

Taking into consideration the above said positon of law and the facts of the present case, as stated above, the petitioner has concealed the relevant fact in respect to the filing of writ petition, on the same cause of action, on which the present case/claim petition has been filed.

Thus, in view of the said facts as well as the fact that once the matter in this regard to the date of retirement of the petitioner that whether he should retire on 30.09.1997 or 30.09.2002 and in respect to the same he has approached the High Court by filing writ petition and said Writ Petition No. 5806 (SS) of 2002 Mahanad Pandey vs. Punjab National Bank, dismissed so this Tribunal has got no authority to interfere on the point in issue.

The reference under adjudication is answered accordingly.

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 429.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (19/2017) प्रकाशित करती है।

[सं. एल -12025/01/2024-आईआर (बी-I)111]

सलोनी, उप निदेशक

New Delhi, the 29th February, 2024

S.O. 429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.19/2017*)* of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of North East Railway and their workmen.

[No. L-12025/01/2024-IR(B.I)111]

SALONI, Dy Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR
PRESIDING OFFICER

I.D. No. 19/2017

BETWEEN

मो0 अरशद, पुत्र श्री सैय्यद मोहम्मद आयु 41 वर्ष लगभग निवासी 96, घोसीपुरवा, सर्वोदय नगर, इन्दिरा भवन, लखनऊ

AND

(1) स्टेशन सुपरिटेन्डेन्ट पूर्वोत्तर रेलवे, लखनऊ जंक्शन, लखनऊ।

(2) जनरल मैनेजर (कार्मिक) नार्थ ईस्ट रेलवे, गोरखपुर।

(3) मण्डल रेल प्रबन्धक, नार्थ ईस्ट रेलवे, गोरखपुर।

AWARD

The present industrial dispute has been filed by the workman, Mo. Arshad before this Tribunal for adjudication as per provisions section 2A of the Industrial Disputes Act, 1947 (14 of 1947).

Accordingly, an industrial dispute No. 19/2017 has been registered on 26.05.2017.

From the perusal of record, the position which emerge out is that after filing of written statement by respondent on 06.08.2018, matter was fixed for filing of rejoinder; however, when the workman did not file its rejoinder in spite of several opportunities, opportunity to file his rejoinder was closed vide order dated 01.02.2021; and date was fixed workman's evidence on affidavit. The claimant did not turn to file evidence on affidavit 2020 and management was afforded an opportunity to file its evidence on affidavit. The management also did not file any evidence.

On 15.02.2023 an order, passed, quoted herein below:

"Matter taken up in revised list.

Parties absent.

List on 3.5.2022 for ex-parte hearing.

Notice be issued to workman."

When the matter was taken up for hearing on 03.05.2023, in revised cause list, none turned up on behalf of claimant, in spite of notice, following order was passed:

"Matter taken up in revised list.

None for claimant.

Heard Sri N. Nath for OP.

File reserved for order."

Needless to mention that from the perusal of order sheet, it clear that neither workman nor his authorized representative appeared to press the case on behalf of the claimant since 23.04.2019.

Accordingly, after hearing Sri N. Nath, learned counsel representative of the opposite parties and taking into consideration the facts the position which emerges out is that as no oral/documentary evidence has been filed on behalf of the claimant to support his claim, as such, the adjudication case is liable to be dismissed.

Taking into consideration the above said facts as well as the law laid by Hon'ble High Court in the case of *V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194* as under:

> "It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164 Hon'ble Allahabad High Court has held as under:

> "The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

Hon'ble Allahabad High Court in the case of ***District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519*** has held as under:

> "The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any

evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

Thus, taking into consideration the facts on record that in the present case the workman has not filed any oral/documentary evidence in support of his claim, so the same is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 29 फरवरी, 2024

का.आ. 430.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (69/2015) प्रकाशित करती है।

[सं. एल -12012/50/2015-आईआर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 29th February, 2024

S.O. 430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.69/2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of Punjab and Sind Bank and their workmen.

[No. L-12012/50/2015-IR(B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR
PRESIDING OFFICER

I.D. No. 69/2015
L-12012/50/2015-IR (B-II) dated 03.11.2015

BETWEEN

Sri Kallu S/o Sri Laudhar Ranibagh,
Kachchi Sadak, Tathai Road,
Police Station Kotwali Katra, Mirzapur (U.P.)

AND

1. The General Manager
   Punjab and Snd Bank, Head Office
   Rajinder Palace, Bank House,
   New Delhi

2. The Zonal Manager,
   Punjab & Sind Bank, Zonal Office
   8 Jwala Devi Building Lalbagh, Lucknow.

AWARD

By an order dated 03.11.2015 appropriate authority as referred the following reference to this Tribunal for adjudication.

"Whether the termination of service of Sri Kallu, alleged workman, w.e.f. 31.07.2013 is legal and justified? If not to what relief the concerned workman is entitled?"

Accordingly ID case 69/2015 registered before this Tribunal.

On 07.02.2016 on behalf of claimant Sri Kallu a statement of claim has been filed in which it was pleaded that he was appointed by the Branch Manager, Punjab and Sindh Bank, Katara Baji Rao, Mirzapur on the post of peon 01.07.1982.

However his services was retrenched without following the mandatory provisions as provided under Section 25(F) of the Act on 31.07.2013, so impugned order of I.D. retrenchment/termination of his services, may be set aside.

On 14.09.2016 on behalf of respondent bank a written statement was filed in which it was stated by way of preliminary objection as under:-

A. "That since the services of Sri Kallu were engaged on casual basis, he cannot claim to be a workman under the provisions of ID Act-1947 as his employment was totally temporary/casual in nature".

B. "That in the facts and circumstances mentioned above. The disengagement of Sri Kallu will not attract the provisions contained in ID Act-1947 as contained section 2A nor can be treated as a case of retrenchment in view of the provisions contained in Section 2 (OO) (bb) of the ID Act 1947".

And time was granted to workman to file rejoinder affidavit.

Thereafter on 06.03.21019 as workman has not filed rejoinder so an on order was passed which is quoted herein below:-

"Case called out repeatedly.
Present A/R for the opposite party.

The case being fixed for filing rejoinder by the workman and several dated have passed but the workman failed to file the rejoinder.

Heard learned A/R of the OP and perused the file.

The case is being fixed for filing rejoinder by the workman for last so many dates. It is 2:30 PM; and even today the workman is not in position to file the same; nor an application, seeking adjournment has been moved on behalf of workman. In the circumstances it may be presumed that the workman does not want to file any rejoinder; and accordingly, the opportunity of the workman file the rejoinder is closed.

Fixed on 16.04.2019 for parties' documents"

On 27.01.2020 an order was passed quoted herein below:-

Taken up.
Present A/R O. None for workman.
Workman is absenting himself for last opportunity for documents is closed.
List on 23.04.2020 for workman affidavit.

On 01.02.2023 an order was passed quoted herein below:-

Matter taken up in revised list.
Sri Pareek Tiwari for Bank. None for claimant.

By order dated 31.10.2022 last opportunity was granted to file workman's evidence on affidavit; however the workman has not filed the same; accordingly, the opportunity to file workman 's evidence on affidavit is closed.

List on 22.03.2023 for management's evidence on affidavit, failing which the case shall be heard on merits. Office is directed to issue notice to claimant.

On 18.05.2023 an order was passed by which the matter was listed for ex-parte hearing a notice was issued to the claimant.

From the material on record the position which emerged out that in spite of the service of the notice to the claimant.

Today when the matter was taken up (21.01.2021) for hearing neither the claimant nor any representative on his behalf was present.

Accordingly I have heard Sri Shubham Shukla counsel for respondent on through record.

Taking into consideration the above said facts as well as the law laid by the Hon'ble High Court in the case of V.K. Raj Industries v. Labour Court ((I) and others 1981 (29) FLR 194 as under:-

> "It is well settled that if a party challenges the legality on an order, the burden lies upon him to prove illegality of the o4der and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement t or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of M/s Uptron powertronics employees' Union, Ghaziabad Through its Secretary V. Presiding Officer, Laour Court (II), Ghaziabad and others 2008 (118) FLR 1164 Hon'ble Allhabad High Court has held as under:-

> "The law has been settled by the Apex Court in case of Shankar Chakrawvarti V. Britannia Biscuit Co. Ltd V.K. Raj Industries V. Labour Court and Ors. Airtech Private Limite4d V. State of U.P. and Ors. 1984 (94) FLR 38 and Meritech India Ltd V. State of U.P. and Ors (1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the Court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahbad High Court in the case of District Administrative Committee, U.P. P.A. C.C.S.C. Services V. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519: wherein it has been held as under:-

> "The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to e dismissed".

As the workman has not filed any statement of claim/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief:'

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 431.—औघोगिक विवाद अधिनियम 1947 (1947 **का** 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (47/2015) प्रकाशित करती है।

[सं. एल**-** 12011/30/2015**-**आईआर (बी–I)]

सलोनी, उप निदेशक

New Delhi, the 1st March, 2024

S.O. 431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.47/2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/30/2015-IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/47/2015
Present: P.K.Srivastava
H.J.S..(Retd)

The General Secretary,
All India, State Bank of India Employees' Association,
C/o State Bank of India,
Shahpura Branch,
Bhopal (MP) - 462016

Workman

Versus

The Chief General Manager,
State Bank of India
L.H.O. Hoshangabad Road,
Bhopal (M.P)

Management

AWARD

(Passed on this 05th day of February-2024.)

As per letter dated 13/05/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number No. L-12011/30/2015 (IR(B-I)) dt. 13/05/2015 . The dispute under reference related to :-

> "Whether the action of the management of Chief General Manager, State Bank of India, Bhopal in terminating the services of workman Shri Anil Kumar Jain w.e.f. *16.08.12* is justified? If not, to what relief the workman is entitled to?"

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them. They appeared and filed their respective statements of claim and defence.

According to the workman, he was first appointed as peon in the Baitulganj Branch of State Bank of Indore on June 25,1996. His job was cleaning the Branch, filling water, preparation of vouchers and is stitching them, counting of cash and preparing bundles, distriabution of cheques and also working as messenger. The Bank merged into State Bank of India in the year 2010. According to the workman, he worked continuously in the State Bank of India also till August 16, 2012 for a period of more than 240 days in every year, including the year preceding the date of his disengagement on August 16, 2012 for which no notice or compensation was given to him. Also, the workman Junior to him like Om Prakash Rathore and Gunwant where retained in employment, which is against industrial disputes act 1947 hereinafter referred to by the word act. He raised a dispute in this respect, with the Assistant Labour Commissioner. After failure of conciliation, the reference has been sent to this Tribunal. The workman has accordingly prayed for his reinstatement with all back wages and benefits.

According to management, the State Bank of Indore merged with the State Bank of India wide notification of Central government dated July 28, 2010. According to the notification itself terms and conditions with regard to the permanent officers/officials were transferred to the transferee Bank that is State Bank of India on the terms and conditions mentioned in the notification. According to management, the workman was engaged temporarily on daily wages. In the Branch of Sate Bank of Indore. He was never appointed in the bank on permanent basis, adopting any recruitment procedure. His appointment was temporary, depending on admin exigency. He never completed 240 days in continuous service in any year, including the year preceding the date of his disengagement. The management also denied that the Workman was disengaged on August 16, 2012. According

to management. He was disengaged on June 13, 2009 by the State Bank of Indore itself. Accordingly, management has prayed that the reference be answered against the Workman.

The Workman filed a rejoinder, wherein he reiterated his case taken in his statement of claim.

In evidence, the workman filed his affidavit. He never turned up for cross-examination. Management did not file any evidence.

Neither of the parties filed any documentary evidence.

At this stage of argument, learned counsel for management appeared. His arguments were heard. I have gone through the record.

The reference itself is the issue for determination in the case in hand.

The initial burden to prove his case is on the workmen. He filed his affidavit as evidence, but never turned up for cross-examination. Hence, no reliance can be placed on such an affidavit. He did not file any documentary evidence in support of his claim.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

No order as to cost

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 432.—औधोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औधोगिक विवाद में केन्द्रीय सरकार औधोगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (02/2019) प्रकाशित करती है।

[सं. एल-12011/14/2018- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 1st March, 2024

S.O. 432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.02/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/14/2018- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/02/2019

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,
Dainik Vetan Bhogi Bank Karmchari Sangathan,
F-1, Tripti Vihar, Opp. Engg. College,
Ujjain (MP)-456010

Workman

Versus

The Chief General Manager,
State Bank of India, Hosangabad Road,
BHOPAL(M.P.) - 462004

Management

AWARD

(Passed on this 02nd day of February-2024.)

As per letter dated 17/12/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12011/14/2018 -IR (B-I)) dt. 17/12/2018 . The dispute under reference related to :-

"Whether the following allegations made by the union, Dainik Vetan Bhogi Bank Karmchari Sangathan, against the management of State Bank of India, Bhopal, in the matter of Shri Mahendra alias Mahesh Salvi, are amounts to unfair labour practice under 1.D Act.?

a) Not giving appointment letter and not giving termination letter.

b) Payment was not made as per pay scale/skill wage.

c) Minimum Wages not paid.

d) Muster Roll has not been maintained as per Section 25-D of ID Act

e) Applicants have worked 240 days in a year.

f) After working for 06 days, the Wages for weekly off and National Holidays 26th January, 15th Aug were deducted.

If yes, what relief the workman is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 433.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स वेल्किन टेलीकॉम इंफ्रा प्रा. लिमिटेड और अन्य, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कामगार/संघ, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 55 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल -40012/36/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 433.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 55 OF 2015) of the **Central Government Industrial Tribunal cum Labour Court – Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Welkin Telecom Infra Pvt. Ltd. & Anr., and, Their Worker /Union,** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-40012/36/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.55 OF 2015

Parties : Employers in relation to the management of

M/s. Welkin Telecom Infra Pvt. Ltd. & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 3rd October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld. Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Welkin Telecom Infra Pvt.Ltd . Record shows M/s. Indus Towers Limited has already been proceeded exparte.

Today too the workman and the union which have espoused the present dispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 07-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Sk. Dilwar Hossain and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla Security & Allied Services Workmen's Union are no more interested to pursue with the present dispute raised by them or they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employment vide order No.L-40012/36/2015-IR(DU) dated 01-09-2015 has referred the following issue to this Tribunal for adjudication:-

"Whether the action of the management of M/s. Welkin Telecom Infra Pvt. Ltd., contactor of M/s. Indus Towers Limited is justified by terminating the service of Sk. Dilwar Hossain is legal and/or justified? If not, what relief the workman is entitled to?"

In view of the above, no dispute award is passed and Reference Case No.55 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 434.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इन्दुस टावर्स लिमिटेड और अन्य, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कामगार/संघ, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 68 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल -40012/28/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 434.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 68 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. Indus Towers Limited & Anr, and their worker, which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. . L-40012/28/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.
REF. NO.68 OF 2015

Parties : Employers in relation to the management of
M/s. Indus Towers Limited & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 3rd October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld. Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Welkin Telecom Infra Pvt. Ltd. Record shows M/s. Welkin Telecom Infra Pvt.n Ltd. has already been proceeded exparte.

Today too the workman and the union which have espoused the present dispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 07-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Shri Anamot Mallik and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla Security & Allied Services Workmen's Union are no more interested to pursue with the present dispute raised by them or they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employment vide order No.L-40011/28/2015-IR(DU) dated 16-09-2015 has referred the following issue to this Tribunal for adjudication:-

> "Whether the action of the management of M/s. Welkin Telecom Infra Pvt. Ltd., contractor of M/s. Indus Towers Limited is justified by terminating the 2 service of Shri Anamot Mallik is legal and/or justified? If not, what relief the workman is entitled to?"

In view of the above, no dispute award is passed and Reference Case No.68 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 435.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स इन्दुस टावर्स लिमिटेड और अन्य,** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कामगार/संघ,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार

औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट(संदर्भ संख्या 79 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024को प्राप्त हुआ था।

[सं. एल -40012/44/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 435.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 79 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. Indus Towers Limited & Anr, and their worker, Kolkata, and National Sample Survey Office, Non-Regular Workers` Association, Kolkata, which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. . L-40012/44/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.REF. NO.79 OF 2015

Parties : Employers in relation to the management of

M/s. Indus Towers Limited & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 3rd October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld.Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Indus Towers

Limited. Record shows M/s. Indus Towers Limited has already been proceeded exparte.

Today too the workman and the union which have espoused the presentdispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 07-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Shri Uma Sankar Das and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla

Security & Allied Services Workmen's Union are no more interested to pursue with the present dispute raised by them or they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employmentvide order No.L-40012/44/2015-IR(DU) dated 22-09-2015 has referred thefollowing issue to this Tribunal for adjudication:-

"Whether the action of the management of M/s. Welkin Telecom Infra Pvt.Ltd., contractor of M/s. Indus Towers Limited is justified by terminating the

service of Shri Uma Sankar Das is legal and/or justified? If not, what relief the workman is entitled to?"

In view of the above, no dispute award is passed and Reference Case No.79 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer.

नई दिल्ली, 1 मार्च, 2024

का.आ. 436.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इन्दुस टावर्स लिमिटेड और अन्य , के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कामगार/संघ, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 83 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024को प्राप्त हुआ था।

[सं. एल -42012/47/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 436.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 83 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s. Indus Towers Limited & Anr, and their worker, Kolkata, and National Sample Survey Office, Non-Regular Workers` Association, Kolkata, which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-42012/47/2015-IR (DU)]
DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.83 OF 2015

Parties : Employers in relation to the management of

M/s. Indus Towers Limited & Anr.

AND

Their Workman/Union

Appearance:

On behalf of the Management of M/s Indus Tower Ltd.: Mr. Ranjay De.

On behalf of the Workman /Union : None

Dated: 3rd October, 2023

AWARD

The management of Indus Towers Limited is represented by its Ld. Counsel Mr. Ranjay De.

None appears from the side of the contractor employer M/s. Welkin Telecom Infra Pvt. Limited. Record shows M/s Welkin Telecom Infra Pvt. Ltd has already been proceeded exparte.

Today too the workman and the union which have espoused the present dispute are found absent when the matter is called for hearing like on previous date. They have failed to comply order dated 07-08-2023 and failed to file show cause as called for. Therefore, a presumption can be drawn that workman Shri Nimai Senapati and Sri Monoj Dhar, the Secretary, Paschim Medinipur Zilla Security & Allied Services Workmen's Union are no more interested to pursue with the present dispute raised by them or they no longer have any dispute against the concerned employer on the issue under reference.

Be that as it may, the Central Govt., Ministry of Labour & Employment vide order No.L-40012/47/2015-IR(DU) dated 09-10-2015 has referred the following issue to this Tribunal for adjudication:-

"ID between the management of M/s. Welkin Telecom Infra Pvt. Ltd., contractor of M/s. Indus Towers Limited and their workman represented by Shri Nimai Senapati over illegal termination from the services."

In view of the above, no dispute award is passed and Reference Case No.83 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 437.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स फ्रंटलाइन (एनसीआर) बिजनेस सॉल्यूशंस प्राइवेट लिमिटेड और अन्य,** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कामगार/संघ,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- कोलकाता पंचाट (संदर्भ संख्या 93 OF 2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल -42011/158/2015-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 437.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 93 OF 2015) of the Central Government Industrial Tribunal cum Labour Court – Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to Frontline (NCR) Business Solutions Pvt. Ltd. & Ors., and, Their Worker /Union, which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-42011/158/2015-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.93 OF 2015

Parties : Employers in relation to the management of

M/s. Frontline (NCR) Business Solutions Pvt. Ltd. & Ors.

AND

Their Workman/ Union

Appearance:

On behalf of the Management of M/s. S&IB Services Pvt. Ltd: Mr. Sushil Kr. Karmakar.

On behalf of the Workman : None

AWARD

Dated: 25th September, 2023

The contractor employer M/s. S & IB Services Pvt. Ltd. is present through its authorised representative and as well by its Ld. Counsel.

Principal Employer M/s. Chennai Network Infrastructure Ltd. and other contractor employers are found absent like the workman and the union which has espoused the present dispute.

Non-appearance of the Union and the workman which has espoused the present dispute and non-pursuance of the dispute which they have raised an inference can be drawn that they are no more interested to pursue with the dispute under reference or they do not have any dispute against the concerned employers.

However, Central Govt., Ministry of Labour vide Order No.L-42011/158/2015-IR(DU) dated 02-11-2015 referred the following dispute to this Tribunal for adjudication.

"Whether the action of management of M/s. Frontline (NCR) Business Solutions, contractor of M/s. Chennai Network Infrastructure Limited is justified by terminating the service of Shri Kartik Tung is legal and/justified? If not, what relief the workman is entitled to?' 'Whether the present contractor

M/s. S&IB Services Pvt. Ltd. is justified by denying reinstatement u/s 25(H) of ID Act, 1947. If not what relief the workman is entitled to?"

Unfortunately, apart from the claim statement of the Union/workman, there is neither oral nor documentary evidence to substantiate the claim made by them in their written claim statement or to decide the issue under reference.

In view of the above, no dispute award is passed. Accordingly, Reference Case No.93 of 2015 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 438.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, एर्नाकुलम के पंचाट (42/2020) प्रकाशित करती है।

[सं. एल-12011/39/2020-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 1st March, 2024

S.O. 438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.42/2020*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ernakulam* as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen.

[No. L-12011/39/2020- IR(B.II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, ERNAKULAM

Present: Shri. V .Vijaya Kumar, B. Sc, LLM, Presiding Officer.

(Wednesday the 27th day of July 2022, 5 Sravana 1944)

ID No. 42/2020

Workman/Union : The Vice President
Syndicate Bank Staff Association(Regd)
49/746 'Krishna', Karama Road
Elamakkara
Kochi - 682026

Managements : 1. The Deputy General Manager

M/s.Syndicate Bank

Regional Office

1st Floor, Pioneer Tower

Shanmugham Road

Ernakulam - 682031

2. The General Manager

M/s.Syndicate Bank

Personal Department

Head Office, Manipal

Karnataka – 576104

By Adv.R. S. Kalkura

This case coming up for final hearing on 27.07.2022 and the same day this Industrial Tribunal-cum-Labour Court passed the following:

AWARD

1. In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (Act 14 of 1947) the Government of India, Ministry of Labour by its order No. L-12011/39/2020-IR(B-II) dated 25.11.2020 referred the following dispute for adjudication by this Tribunal.

2. The dispute referred is;

" Whether the demand of Syndicate Bank Staff Association to regularize the service of Smt.Shiny Peter, temporary Part Time Sweeper of Syndicate Bank is justified or not? If justified, to what relief the worker is entitled to ?"

3. After receipt of the order of reference from Govt of India, summons dt.28.12.2020 was issued to the parties concerned. The matter was posted for appearance of the parties on 17.02.2021. The summons was acknowledged by the parties concerned. Thereafter the matter was posted on 23.08.2021, 11.10.2021, 06.01.2022, 30.03.2022 and 27.07.2022. Though the summons was acknowledged by the parties, there was no representation from the side of the Union and no claim statement is filed even after more than one year. The Management entered appearance on 27.07.2022.

4. It is felt that the Union is not interested in pursuing the industrial dispute.

5. Hence a 'no dispute award' is passed holding that there is no merit in the claim of the Union.

The award will come into force one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and passed by me on this the 27th day of July, 2022.

V. VIJAYA KUMAR, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 439.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंडिकेट बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, एर्नाकुलम के पंचाट (43/2020) प्रकाशित करती है।

[सं. एल-12011/38/2020- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 1st March, 2024

S.O. 439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.43/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*

Ernakulam as shown in the Annexure, in the industrial dispute between the management of M/s.Syndicate Bank and their workmen.

[No. L-12011/38/2020- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, ERNAKULAM

Present: Shri. V .Vijaya Kumar, B. Sc, LLM, Presiding Officer.

(Wednesday the 27th day of July 2022, 5 Sravana 1944)

ID No.43/2020

Workman/Union : The Vice President
Syndicate Bank Staff Association(Regd)
49/746 'Krishna', Karama Road
Elamakkara
Kochi - 682026

Managements : 1. The Deputy General Manager
M/s.Syndicate Bank
Regional Office
1st Floor, Pioneer Tower
Shanmugham Road
Ernakulam - 682031

2. The General Manager
M/s.Syndicate Bank
Personal Department
Head Office, Manipal
Karnataka – 576104
By Adv.R. S. Kalkura

This case coming up for final hearing on 27.07.2022 and the same day this Industrial Tribunal-cum-Labour Court passed the following:

1. In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (Act 14 of 1947) the Government of India, Ministry of Labour by its order No. L-12011/38/2020-IR(B-II) dated 25.11.2020 referred the following dispute for adjudication by this Tribunal.

2. The dispute referred is;

" Whether the demand of Syndicate Bank Staff Association to regularize the service of Smt.Girija Suresh, temporary Part Time Sweeper of Syndicate Bank is justified or not? If justified, to what relief the worker is entitled to ?"

3. After receipt of the order of reference from Govt of India, summons dt.28.12.2020 was issued to the parties concerned. The matter was posted for appearance of the parties on 17.02.2021. The summons was acknowledged by the parties concerned. Thereafter the matter was posted on 23.08.2021, 11.10.2021, 06.01.2022, 30.03.2022 and 27.07.2022. Though the summons was acknowledged by the parties, there was no representation from the side of the Union and no claim statement is filed even after more than one year. The Management entered appearance on 27.07.2022.

4. It is felt that the Union is not interested in pursuing the industrial dispute.

5. Hence a 'no dispute award' is passed holding that there is no merit in the claim of the Union.

The award will come into force one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and passed by me on this the 27th day of July, 2022.

V. VIJAYA KUMAR, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 440.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स एच. डी. एफ. सी. लाइफ के प्रबंधतंत्र के संबद्ध नियोजकों और श्रीमती मोनिका आहूजा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 19/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024- आईआर(एम)-28]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 440.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 19/2021)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s H.D.F.C. Life** and **Shrimati Monika Ahuja** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. Z-16025/04/2024-IR(M)-28]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/19/2021

Present: P.K.Srivastava

H.J.S..(Retd)

Shrimati Monika Ahuja Urf Moni Ahuja,
393, Sadhu Vaswani Nagar,
Indore (Madhya Pradesh)

Workman

Versus

The Manager,
Regional H.R.,
M/s.H.D.F.C. Life, 9 Star Palant Zone-II,
M.P. Nagar, Bhopal (M.P.)

Management

AWARD

(Passed on this 31Th day of January-2024.)

As per letter dated 17/02/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number J-1(1-6)/2021-IR dt. 17/02/2021 . The dispute under reference related to :-

"क्या श्रीमती मोनिका आहुजा उर्फ मोनि आहुजा (एस.डी.एम, कर्मचारी संख्या* 138381) *कर्मकार को मैसर्स एच.डी.एफ. सी. लाईफ इनश्योरेंस क. लि. व्दारा आवेदक को काम से निकाला जाना न्यायोचित है ? यदि नहीं, तो उक्त कर्मकार को कब से और किन लाभों के साथ नौकरी पर पुनः बहाल किया जाना चाहिए ?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In Spite of service of notices, both the parties never filed its written statement of claim/ defence. No evidence was ever produced by any of the parties in this tribunal.

Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, In absence of any evidence in support holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 441.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स जगदीश ट्रेडिंग कंपनी; मेसर्स अल्ट्राटेक सीमेंट लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री विक्रम सोलंकी एंड अन्य** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 62/2020)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-29011/8/2020- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 441.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 62/2020)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Jagdish Trading Company; M/s Ultratech Cement Limited** and **Shri Vikram Solanki and others** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-29011/8/2020-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/62/2020

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Vikram Solanki and other workers,

Sarvaniya Square, Post- Khor,

Tahsil- Javad, Dist- Neemuch, MP 458470

Workman

Versus

Shri Sumit Singhaniya, Director,

M/s Jagdish Trading Company,

8, Shastri Nagar, Khor,

Neemuch MP, 45841

Shri Rajesh Kumar Jain,

Senior General Manager(Personnel)

M/s Ultratech Cement Ltd,

Vikram Cement Works, Vikram Nagar, Post- Khor,

District-Neemuch, MP 458470

Management

AWARD

(Passed on this 01st day of February-2024.)

As per letter dated 11/08/2020 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-29011/8/2020-IR(M) dt. 11/08/2020 . The dispute under reference related to :-

"1. *क्या श्रमिक समूह द्वारा की गई मांगें (संलग्क परिशिष्ट "क" उमें निहित) उचित है?*

2. क्या प्रबंधन पक्षों द्वारा श्रमिकों की मांगों को अस्वीकार करना उचित है?

3. क्या श्रमिकों को अपनी मांगों को स्वीकार कराने के लिए धरने एवं प्रदर्शन पर जाना उचित है?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Parties appeared on February 1st, 2024, the workman appeared he filed a Vakalatnama of Shri Arun Patel and application with an affidavit stating that the dispute has been resolved now and management has accepted his demand. Management learned counsel also submits the same.

It is established now that there is no dispute remains at present, Hence holding that the dispute has cease to exist at present reference is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 442.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स गेल (इंडिया) लिमिटेड; मेसर्स उत्तरखंड पूर्व सैनिक कल्याण निगम लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **मिस्टर रमणलाल रुपभाई कालस्वा** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.- 57/2019)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-30012/7/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 442.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 57/2019)** of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s GAIL (India) Limited; M/s Uttarakhand Ex-Servicemen Welfare Corporation Limited** and **Mr.Ramanlal Roopbhai Kalswa** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-30012/7/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present….

Sunil Kumar Singh-I,

Presiding Officer,

CGIT cum Labour Court,

Ahmedabad,

Dated : 24.01.2024

Reference: (CGITA) No- 57/2019

1. The General Mnager,

   M/s GAIL (India) Ltd., Ajit Nagar,

Behind D'Mart, Akota,

Vadodara.

2. The Director,

M/s. Uttarkhand Purv Sainik Kalyan Nigam Ltd.,

Garhi Cantt., Dehradun-248001. …...…….First Party

V

Mr. Ramanlal Rupabhai Kalaswa,

At. Post Vaniya Vada, Tal. Meghraj,

District Aravali (Gujarat). …….Second Party

Adv. for the First Party employer No.1: Shri B. K. Oza

Adv. for the First Party employer No.2: None

Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/7/2019-IR(M) dated 18.02.2019 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the claim of Shri Ramanlal Rupabhai Kalaswa, Ex-Security Guard vide letter dated 05.06.2018 that he was terminated from services w.e.f. 27.04.2018 by M/s Uttarakhand Purva Sainik Kalyan Nigam Limited(UPSKNL) is proper, legal and justified? If yes, what relief Shri Ramanlal Rupabhai Kalaswa is entitled to?"

1. Today, the matter was called out. First Party employer No.1 represented through Ld. Counsel Shri B. K. Oza. None responds for FP No.2. None responded for Second Party/workman. The reference dates back to 18.02.2019. Notice Exh.2 was served upon all the parties vide acknowledgement Ex. 3 to 5, wherein the parties were asked to submit their respective claims under reference. A period of over four years has elapsed, yet no statement of claim has been filed as directed. SP/workman was afforded last opportunity on 11.11.2022 along with additional opportunities on 14.06.2023 and 11.10.2023. It appears that the Second Party/workman is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered against the SP workman for want of and evidence.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 443.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स गेल (इंडिया) लिमिटेड; मेसर्स उत्तरखंड पूर्व सैनिक कल्याण निगम लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **मिस्टर नटुभाई ईश्वरभाई भट्ट** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.-58/2019)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-30012/6/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 443.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 58/2019)** of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the

employers in relation to **M/s GAIL (India) Limited; M/s Uttarakhand Ex-Servicemen Welfare Corporation Limited** and **Mr. Natubhai Ishwarbhai Bhatt** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-30012/6/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present….
Sunil Kumar Singh-I,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated : 24.01.2024

Reference: (CGITA) No- 58/2019

1. The General Mnager,
   M/s GAIL (India) Ltd., Ajit Nagar,
   Behind D'Mart, Akota,
   Vadodara.
2. The Director,
   M/s. Uttarkhand Purv Sainik Kalyan Nigam Ltd.,
   Garhi Cantt., Dehradun-248001. …..…….First Party

V

Mr. Natubhai Ishwarbhai Bhatt,
B-32, Sanidhya, Katapur, Kambhat,
Bedak Road, District-Anand. …….Second Party

Adv. for the First Party employer No.1: Shri B. K. Oza

Adv. for the First Party employer No.2: None

Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/6/2019-IR(M) dated 18.02.2019 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the claim of Mr. Natubhai Ishwarbhai Bhatt, Ex-Security Guard vide letter dated 05.06.2018 that he was terminated from services w.e.f. 27.04.2018 by M/s Uttarakhand Purva Sainik Kalyan Nigam Limited (UPSKNL), contractor under M/s GAIL (India) Limited, Vadodara is proper, legal and justified? If yes, what relief Mr. Natubhai Ishwarbhai Bhatt is entitled to?"

1. Today, the matter was called out. First Party employer No.1 represented through Ld. Counsel Shri B. K. Oza. None responds for FP No.2. None responded for Second Party/workman. The reference dates back to 18.02.2019. Notice Exh.3 was served upon all the parties vide acknowledgement Ex. 4 to 6, wherein the parties were asked to submit their respective claims under reference. A period of over four years has elapsed, yet no statement of claim has been filed as directed. SP/workman was afforded last opportunity on 11.11.2022 along with additional opportunities on 14.06.2023 and 11.10.2023. It appears that the Second

Party/workman is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered against the SP workman for want of and evidence.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 444.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स गेल (इंडिया) लिमिटेड; मेसर्स उत्तरखंड पूर्व सैनिक कल्याण निगम लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **मिस्टर रतिलाल सी. पटेल** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद , पंचाट (रिफरेन्स न.-61/2019)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-30012/5/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 444.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 61/2019)** of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s GAIL (India) Limited; M/s Uttarakhand Ex-Servicemen Welfare Corporation Limited** and **Mr. Ratilal C. Patel** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-30012/5/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present….

Sunil Kumar Singh-I,

Presiding Officer,

CGIT cum Labour Court,

Ahmedabad,

Dated : 24.01.2024

Reference: (CGITA) No- 61/2019

1. The General Mnager,
   M/s GAIL (India) Ltd., Ajit Nagar,
   Behind D'Mart, Akota,
   Vadodara.
2. The Director,
   M/s. Uttarkhand Purv Sainik Kalyan Nigam Ltd.,

Garhi Cantt., Dehradun-248001. …...…….First Party

V

Mr. Ratilal C. Patel,

Asiad Nagar, Hansot Road,

Ankleshwar (Gujarat). …….Second Party

Adv. for the First Party employer No.1: Shri B. K. Oza

Adv. for the First Party employer No.2: None

Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/5/2019-IR(M) dated 25.02.2019 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the claim of Mr. Ratilal C. Patel, Ex-Security Guard vide letter dated 05.06.2018 that he was terminated from services w.e.f. 28.04.2018 by M/s Uttarakhand Purva Sainik Kalyan Nigam Limited (UPSKNL), contractor under M/s GAIL (India) Limited, Vadodara is proper, legal and justified? If yes, what relief Mr. Ratilal C. Patel is entitled to?"

1. Today, the matter was called out. First Party employer No.1 represented through Ld. Counsel Shri B. K. Oza. None responds for FP No.2. None responded for Second Party/workman. The reference dates back to 25.02.2019. Notice Exh.2 was served upon Second Party workman vide acknowledgement Ex.4, wherein he was asked to submit his claim under reference. A period of over four years has elapsed, yet no statement of claim has been filed as directed. SP/workman was afforded last opportunity on 11.11.2022 along with additional opportunities on 14.06.2023 and 11.10.2023. It appears that the Second Party/workman is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered against the SP workman for want of and evidence.

2. The reference is answered accordingly.

   Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 445.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **स्टील अथॉरिटी ऑफ़ इंडिया** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कर्मकार/ यूनियन** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.- 22/2015)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-26011/1/2015- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 445.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 22/2015)** of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Steel Authority of India** and **their workmen/Union** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-26011/1/2015-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

-CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

REF. NO. 22 OF 2015

Parties: Employers in relation to the management of

Steel Authority of India

AND

Their Workmen/Union.

Appearance:

On behalf of the Management: Mr. Brajaballav Saha, Advocate.

On behalf of the Workmen/Union: Absent

Dated: 17th January, 2024

AWARD

The Union which has espoused the dispute is found absent when the matter is called. None appears on behalf of the Union.

The management of SAIL is represented by its Ld. Counsel.

Record shows, the Union has stopped putting its appearance after the management has filed a petition challenging the maintainability of the present reference on 03-05-2023. Thus, it is seen Union has stopped appearing on and from 09-06-2023, the date fixed for hearing the impugned petition filed by the management. Therefore, a presumption can be drawn, that Union is well aware that the dispute which it has espoused against the management of SAIL challenging the withdrawal of Leave Encashment of half pay leave and restricting the encashment only to 300 days (inclusive EL & HPL) in the credit of the employee at the time of retirement to be legal and justified.

Be that as it may, the petition dated 03-05-2023 filed by the management is taken up for hearing.

Heard the Ld. Counsel of the management of SAIL. It has been submitted by the Ld. Counsel, the dispute under present reference was raised by some of the employees of SAIL before Central Administrative Tribunal in O.A. No.350/00011/15. Such case was disposed of by CAT in the year 2016 with the finding that SAIL being a Central Govt. undertaking is justified in restricting leave encashment up to 300 days inclusive of both Earned Leave and Half Pay Leave together as the employees the Central Govt. are eligible to encash 300 days of leave in their credit i.e. inclusive of both Earned Leave and Half Pay Leave at the time of retirement. However, CAT has taken a view that those employees who retired before the issuance of notice of restriction of encashment in the year 2013 and 2014 to be illegal in respect of those employees who have already retired and got the benefits under the un-amended encashment rules prior to 29-07-2013. The new amendment in the leave encashment rules cannot take retrospective effect, it has to be prospective, thereby restrained the authority of SAIL not to recover any amount already paid to any employees prior to 24-04-2014 and who have already received leave encashment for 420 days i.e. 300 days Earned Leave and 120 days Full Pay Leave, half of 240 days. That such order was passed by the Central Administrative Tribunal on 06-01-2016.

The schedule of the reference shows that the Union All India Co-ordination Employees Union has raised the present dispute simultaneously before the Labour Commissioner on the same subject matter. The schedule read as follows:-

"Whether the action of the management of by withdrawing leave encashment of Half Pay Leave by issuing an administrative office order No. PER/HPL/13/1 dated 29-07-2013 for leave Encashment at the time of retirement will be restricted to 300 days (both EL & HPL taken together) is legal and/or justified? If not, what relief the workmen are entitled to?"

It is true, present reference No.22/2015 and the dispute which some employees of SAIL had filed before the Central Administrative Tribunal (CAT) are on the same subject matter. The basic principle of law, is that Courts having concurrent jurisdiction cannot adjudicate two parallel litigations in respect of same cause of action, same subject matter and same relief at the same time. The legal principle is that the case which was filed on the same subject matter earlier need to be heard first and stay the subsequent proceeding/case.

It is very interesting to note that Union which has raised the present dispute never brought to the notice of this Tribunal about the pendency of a similar proceeding before CAT and on the same subject matter and about the result of the said case. Since the case which was filed by some of the employees on the same subject matter have

already been disposed of in the year 2016 and where it was upheld that the employees specially the workmen working in SAIL, a Central Govt. Undertaking cannot demand a different rules in respect of encashment of leave at the time of retirement as the Central Govt. employees are entitled to en-cash maximum 300 days of leave inclusive of both EL & HPL standing in their credit at the time of their retirement and as such held office orders dated 18-12-2013 and 24-04-2014 which were given effect from 29-07-2013 to be legal and justified.

However, CAT had taken a view, that the orders dated 18-12-2013 and 24-04-2014 issued in respect of restriction of encashment of leave standing in the credit at the time of retirement w.e.f. 29-07-2013 cannot have retrospective effect and therefore, SAIL cannot demand refund of encashment of additional 120 days which were already paid to those employees retired prior to 24-04-2014 and those employees who retired prior to 24-04-2014 are not bound to refund the excess payment, if any, received by them towards leave encashment.

In view of the decision given by CAT on the same subject matter, this Tribunal holds the present reference case is not maintainable and cannot entertain in order to avoid conflicting and contradictory decision on the same subject matter. More so, it appears that those employees who were parties before CAT have already moved writ petition challenging the said order dated 06-01-2016.

Further, nothing has come on record to show that CAT had no jurisdiction to entertain the case filed by some of the employees of SAIL or that the order that was passed by CAT was without jurisdiction. Under the circumstance, in order to avoid conflicting and contradictory decision on the same subject matter, this Tribunal hold the matter under reference is not maintainable.

Accordingly, Reference Case No.22 of 2015 is disposed of being not maintainable.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 446.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और इंडियन ऑयल पानीपत रिफाइनरी एम्प्लाइज यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़, पंचाट (रिफरेन्स न.- 342/2013) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-30011/40/2013- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 446.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 342/2013)** of the **Central Government Industrial Tribunal cum Labour Court-2, Chandigarh** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation Limited** and **Indian Oil Panipat Refinery Employees Union** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-30011/40/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Sh. Kamal Kant, Presiding Officer.

ID No.342/2013

Registered on:-24.03.2014

The General Secretary, Indian Oil Panipat Refinery Employees Union, Panipat Refinery, Distt.-Panipat(Haryana).
.....Workmen/Union

Versus

The Chief Manager(HR), Indian Oil Corporation Ltd. Panipat Refinery, Distt.Panipat(Haryana).

.....Respondent/Management

AWARD

Passed On:-16.01.2024

Central Government vide Notification No.L-30011/40/2013-IR(M), Dated 19.02.2014, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

> **"Whether the action of the management of IOCL, Panipat Refinery, Panipat to give benefits to 11 employees, those who have joined Panipat Refinery in Grade-IV w.e.f. 17th February, 2009 after 4-1/2 months during their probation without following the procedure as laid down under the act and ignoring to avoid the seniority of existing employees of Grade-IV is just, fair and legal? If not, to what relief the workmen of existing employees of Grade-IV are entitled to and from which date?**

1. Today i.e. 16.01.2024 the case was fixed for arguments. It is submitted by the learned counsel of management that the workmen-union is not turning up since long and several opportunities have already been given to the workmen-union for arguments and prayed for dismissal of the present reference filed by the workmen-union.

2. Perused the file and it is found that the submissions made by the learned counsel of management is true. The workmen-union is given sufficient opportunities for arguments but none turned up in spite of the opportunities given, which shows that the workmen-union is not interested in adjudication of the matter on merit.

3. Since the workmen-union has neither put his appearance for long and has not argued the case to prove their cause against the management and the workmen-union has left the case unattended for a long time without any intimation, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workmen-union.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 447.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **एलआईसी ऑफ़ इंडिया** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री ए. एन. स्वामीनाथन एन.** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 70/2014)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-17012/62/2013- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 447.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 70/2014)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri A. N. Swaminathan N.** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-17012/62/2013-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 29th day of January, 2024

INDUSTRIAL DISPUTE No. 70/2014

Between:

Sri A.N. Swamynathan.N,

S/o N. Padmanabha Ro,

Taderu (P.O.)

Bhimawaram(M)

West Godavari Dist.(A.P.) ..….Petitioner

AND

1. The Sr. Divisional Manager,
   LIC of India, Divisional Office,
   Jeevan Godavari, Morampudi,
   Rajahmundry.
2. The Branch Manager,
   LIC of India
   Bhimavaram Branch,
   Bhimawaram
   West Godavari Dist.(A.P.) … Respondent

Appearances:

For the Petitioner : Sri V. V. Rama Krishna, Advocate

For the Respondent: Smt. Tehara, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-17012/62/2013-IR(M) dated 9.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

"Whether the removal from service of Sri A. N. Swamynathan,N. Ex-Temp. Class-IV LIC of India, Bhimavaram Branch w.e.f. 28.1.2023 is legal and justified? If not, what other relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 70/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for Petitioner's evidence, Petitioner remained absent. Record reveals that Petitioner is not attending proceedings after 12.9.2019. Despite sufficient number of opportunities have been provided to him, he has not filed any evidence to substantiate his claim. In absence of evidence and due to his absence a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 29th day of January, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Witnesses examined for the

Petitioner	Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मार्च, 2024

का.आ. 448.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **एलआईसी ऑफ़ इंडिया** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री ए. वी. अंकीयः** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 68/2015)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-17012/19/2015- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 448.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 68/2015)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri A.V. Ankaiah** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-17012/19/2015-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**
Presiding Officer

Dated the 16th day of February, 2024

INDUSTRIAL DISPUTE No. 68/2015

Between:

Ari A.V. Ankaiah,

V & P.O. – East Guladona,

Kaligiri (M),

Nellore (A.P.) ….. Petitioner

AND

1. The Sr. Divisional Manager,
   LIC of India , Divisional Office,
   Nellore (A.P.)
2. The Branch Manager,
   LIC of India, Kavali Branch, …. Respondents

Appearances:

For the Petitioner : Sri Y. Ranjeeth Reddy , Advocate

For the Respondent : Sri B.S.R. Murthy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-17012/19/2015-IR(M) dated 25.8.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

"Whether the removal from service of Sri A.V. Ankaiah, Ex.Temp. Class-IV, LIC of India, Kavali Branch is legal and justified? What other relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 68/2015 and notices were issued to the parties concerned.

2. **The averments made is the claim statement are as follows**:

It is submitted that the Petitioner was appointed as temporary Sub-Staff in the month of April,2009 and performed duties as Peon in Class IV Cadre in Single Window Department, LIC of India, Kavali Branch office on payment of Rs.90/- per day. It is submitted that the Petitioner has worked continuously without any break, to the entire satisfaction of superior officers. There were no complaints of what so ever nature against the Petitioner in his entire service. It is submitted that the respondent has not issued any appointment letter and issued wage slips from the year 2011 onwards to the Petitioner during his service and Petitioner used to sign on the vouchers at the time of taking salary and was not extended any benefits like provident fund and ESI, etc.. It is submitted that while so, suddenly Petitioner's services were orally terminated on 06.07.2014 without conducting any enquiry, notice pay, compensation, is arbitrary, illegal, unjust and contrary to the of provisions Industrial Disputes Act and against the principles of natural justice is nothing but unfair labour practice of the respondents. It is submitted that the Petitioner gave a representation to the Assistant Labour Commissioner (Central), Vijayawada, and same was Vijayawada, received on 14.07.2014, requesting to intervene the matter and direct the respondents to reinstate the Petitioner into service. It is submitted that the Assistant Labour Commissioner (Central), Vijayawada , at Vijayawada issued notice to the respondents for joint meetings / conciliation proceedings. Accordingly the respondents participated in joint meetings and submitted their reply, denying all the contents made in the Petitioner's representation. The Assistant Labour Commissioner (Central) closed conciliation meetings on 02.01.2015 and sent the failure report to the Government of India. It is submitted that the action of the respondent by terminating the Petitioner from service w.e.f. 06.07.2014 is illegal and unjustified. The termination is violation of the Sec 25 F, G and H of the Industrial Dispute Act. The respondent has not given any notice and also not paid any retrenchment compensation and Petitioner's last drown salary was Rs.270/- per day at the time of termination. It is submitted that the Petitioner never asked for regularization. It is submitted that entire family is depending on the Petitioner's income and after termination of the Petitioner, they are facing untold problems hardship and the Petitioner is the only bread earner in the family. Inspite of his best efforts the Petitioner could not secure any other alternate employment and the Petitioner is unemployed from the date of termination. It is therefore prayed to set aside oral termination dated 06.07.2014 and directing respondents herein to reinstate the Petitioner into service with continuity of service, with full back wages and with all other attendant benefits and further direct the respondents to pay the 5 days salary for the month of July, 2014 and pass such other and further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and in the interest of justice.

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:-

It is submitted that the Petitioner was engaged purely on daily wages intermittently depending on the requirement of the work. He was engaged as daily wager. He was neither recruited through any of the specified process of recruitment nor was issued with any appointment letter by any authority in LIC of India for any post/cadre. As such, salary and other benefits like Provident Fund are not applicable to him. It is submitted that the daily wages are paid to the Petitioner as per Laws in force. The contention of the Petitioner that he was appointed as a temporary sub-staff in the month of April 2009 and performed as a peon as a Class IV cadre in Single Window Department, LIC of India, Kavali Branch Office on payment of Rs.90/- per day is false and not based on facts. It is submitted that He was neither recruited through any of the specified processes of recruitment nor issued any appointment letter by any Authority in LIC of India. The Petitioner was engaged as purely daily wager, as such, issue of appointment letter does not arise. He is not entitled to reinstatement or anything. It is submitted that the contention of the Petitioner that there were complaints of what so ever nature in his entire service is not tenable since, he was engaged as a daily wager on need basis i.e., whenever there is work the persons engaged for doing that work on daily basis. Hence the Petitioner's, name shown as a temporary sub-staff in the claim statement does not arise. It is submitted that issuance of the appointment letter and wage slips to the Petitioner from 2011 onwards

whenever he worked does not arise as he was engaged on daily basis and neither in accordance with LIC of India Recruitment (of Class II & IV Staff) Instructions 1993 dated 25.3.1993 nor in accordance with LIC Employment of Temporary Staff) Instructions 1993 dated 28.2.1993 or other instructions issued by the Corporation from time to time. Further, the contention of the Petitioner that he used to sign on the vouchers at the time of taking the salary and not extended the benefits like Provident fund, ESI etc., is also not tenable as he was engaged on daily wages only. It is submitted that as per the Supreme Court's order dated 18-01-2011 in Civil Appeal Nos. 953-968 of 2005, the Management of LIC has issued an Employment Notice on 20-05-2011 calling for the applications on or before 03-06-2011 i.e., cutoff date, for recruitment of peons from the eligible persons. The eligibility criteria specified is as below:

a) All temporary persons who were working for more than 5 years and were continuing as on 18-01-2011.

(b) Possessing Minimum Eligible Qualification (Pass in IX Standard) and age as

prescribed by the LIC of India at the time of their entering into LIC of India.

(c) Candidates have to submit the copies of proof of working with the Corporation for more than 5 years as on 18-01-2011 duly signed by the Chief/Sr./Br. Manager of the Branch office, Manager (P&IR)/Manager (0S) of the respective Divisional Office, and RM(P&IR)/RM(E&OS) of respective Zonal Office.

(d) The onus of furnishing authentic documentary proof of the above at the time of submission of the application shall be on the candidate.

As per the Supreme Court Order dated 18.1.2011 in CA No.93-968/2005, those temporary employees who are not governed by the above criteria shall cease to be in the employment. It is submitted that after verification of the applications from the eligible candidates a written test was conducted on 21-06-2011 and after passing the test they were taken by the LIC on permanent basis as per the Hon'ble Supreme Court's norms whoever is not eligible as per the notification issued by the LIC shall cease to be in the employment. After the recruitment process was completed, services of the Petitioner were not engaged further, in strict compliance of the order of the Apex Court in CA No. 953-968 of 2005. It is submitted that the contention of the Petitioner that he was appointed in the month of May,2009 and terminated on 06-07-2014 does not arise as he was never issued with any appointment letter by any Authorities of the Corporation. As per the Hon'ble Supreme Court's norms whoever, if a contesting workman completes 5 years service as on 18-01-2011, they were taken on the rolls of LC after passing the written test conducted by it. Even, if the appointment is taken as per the contention of the Petitioner in April 2009, the Petitioner has not completed 5 years as on 18-01-2011 as per the eligibility criteria issued by the LIC of India in terms of the Supreme Court's order dated 18-01-2011 in Civil Appeal Nos. 953-968 of 2005. The Petitioner was only a daily wager and he was engaged on need basis, hence, the contention of the Petitioner is that he has continuously worked from April 2009 to 06-07-2014 does not arise. It is submitted that the contention of the Petitioner that without conducting any enquiry, notice pay compensation he was terminated as arbitrary, illegal, unjust and contrary to the provisions of the I.D. Act and against the principles of natural justice and same is nothing but unfair labour practice of the LIC, does not arise because of the Petitioner was never recruited to any cadre/post in LIC of India in accordance with "LIC of India Recruitment (of Class III and Class IV Staff) Instructions 1993" dated 25.2.1993. He was neither appointed under the "LIC of India (Employment of Temporary Staff) Instructions, 1993 dated 28.6.1993 nor under any other instructions issued by the Corporation from time to time. Hence, the question of termination of his services does not arise. His services were further not engaged in strict compliance of the above mentioned order of the Supreme Court. It is submitted that the copies of wage ledger from June 2011 to March 2012 and from April 2012 to March 2013 and April 2013 to May 2014 filed by the Petitioner are clearly evident that they are the payment vouchers relating to the daily wages for the work taken by the LIC. Hence the plea of the Petitioner that he worked continuously as a peon is not correct and the same is denied. The violations of section 25F, G & H of the I.D. Act does not arise because he is a daily wager. The provisions of the said sections are not applicable to him for paying the retrenchment compensation, re-employment and notice pay etc. even he was not taken on daily basis continuously. It is submitted that he gave a representation to the Assistant Labour Commissioner for reinstatement into service. The respondent has given the reply to the representation stating that the Petitioner was a daily wager and the provisions of the I.D. Act are not applicable to him. It is submitted that the Petitioner never asked for regularization is not correct. Under the above circumstances it is therefore prayed to dismiss the petition as it is devoid of merits.

4. Petitioner in support of his claim has examined himself as WW1 and he has also filed the photocopies of eight documents Ex.W1 to W8. Ex.W1 reference order from Government of India, Ex.W2 minutes of conciliation proceedings, Ex.W3 letter from R1 to R2 along with list of temporary workmen, Ex.W4 SSC certificate of Petitioner, Ex.W5 bunch of wage slips, Ex.W6 Wages ledger from June, 2011 to March, 2012, Ex.W7 Wages ledger form April, 2012 to March, 2013 and ex.W8 Wages ledger from April, 2013 to May, 2014. On the other hand, Respondent has examined MW1 Sri C. Madhusudhan, Manager (E & OS).

5. Heard arguments of Learned Counsels for both the parties.

6. **On the basis of rival contentions and pleadings of both the parties, following points emerge for determination**:-

I. Whether the action of the Respondent LIC of India in terminating the services of Petitioner Sri A. V. Ankaiah is legal and justified?

II. To what relief the Petitioner is entitled for?

Findings:-

7. **Point No.I**: The Petitioner/claimant is in his sworn testimony as WW1 has stated that he was appointed as temporary Sub-Staff in the month of April, 2009 and performed duties as Peon in Class IV Cadre in Single Window Department, LIC of India, Kavali Branch office on payment of Rs.90/- per day and he has worked continuously without any break, to the entire satisfaction of superior officers. He states that the respondent has not issued any appointment letter and also wage slips from the year 2011 onwards to the him during his service and he used to sign on the vouchers at the time of taking salary and he was not extended any benefits like provident fund and ESI, etc.. WW1 further testifies that Respondent has terminated his services on 06.07.2014 without conducting any enquiry, notice pay, compensation. The act of the Respondent by terminating the claimant Petitioner from service w.e.f..6.7.2014 is arbitrary, illegal, not justified and in violation of Sec 25 F, G and H of the Industrial Dispute Act, since respondent has not given any notice and also not paid any retrenchment compensation to the Petitioner.

8. The Respondent Management witness MW1 has stated that the Petitioner was engaged as a daily wager in the month of June, 2011 at LIC of India, Kavali Branch for doing miscellaneous works such as, filing, dusting, serving water etc.. The contention of the Petitioner that he was appointed in the month of April, 2009 and has performed his duty as a peon in Class-IV cadre in Single Window Department, LIC of India, Kavali branch office is false and far away from the truth. The Petitioner was engaged on daily wage basis and question of issuing appointment letter does not arise. The Rules of LIC of India are not applicable to him as he was daily wager. Since the Petitioner was engaged on daily wage, the question of terminating him w.e.f. 6.7.2014 does not arise and provision of Sec.25F of I.D. Act, 1947 is not applicable to him. The question of conducting the enquiry, notice pay etc., does not arise as he was a daily wager. The daily wagers has to be engaged as per the needs of the office, intermittently for doing miscellaneous jobs. There was no binding on either side to continue such engagement. The Petitioner was aware that he was being engaged as a daily wager and that there is no chance / provision to regularize daily wagers. Before engaging the Petitioner the LIC of India authorities told him that as and when need arises they will engage him. Further, MW1 has stated that the documents filed by the Petitioner regarding his engagement as a daily wager from June, 2011 but not from April, 2009 as contended by him. The s aid vouchers are only shown that the amount was paid for the number of days for which he was engaged.

9. During cross examination WW1 has stated that "I have gone to LIC of India and asked for work. No letter was given to me to work in the Management of the Respondent. I worked from the month of April, 2009 as sub-staff for cleaning purpose. I was working as a daily wager and the money was paid at the end of the month for the working days." Further, WW1 in his cross examination states, "From the year 2009 money was not paid in my name, but it was paid in another's name till the month of June, 2011. I have not filed any paper before this court to show that I was working under the Management as a sub-staff from April, 2009." Further, he states, "It is correct to say that wages were paid to me under Ex.W5 to w8 in respect of the working days." Thus, from the statement of the WW1 in cross examination it manifests that he was working as a daily wager and money was paid at the end of the month for the working days. The documents filed by the claimant Ex.W5 to W8 would also reveal that the Petitioner claimant has worked as a daily wager in the Respondent Management office and he was paid the salary/money at the end of the month for the number of days work done in a month. Therefore, the claim of the Petitioner that he was appointed in the Respondent office since 2009 as a Class-IV employee does not find support from documents Ex.W5 to W8. Further, Petitioner has not filed any appointment letter or any other document to prove his claim that he was appointed on as a regular employee against permanent vacancy in the office of the Respondent.

10. On the other hand, the Respondent witness MW1 has testified and proved the contention of the counter. Though the witness MW1 was cross examined by the Petitioner's counsel, the witness firm in his stand as taken in the counter and chief affidavit. Thus, the Petitioner has failed to establish and prove his claim that he was appointed as a Class-IV employee in the Respondent office on the basis of his evidence.

11. As far as regarding plea of the claimant, that his termination from service was in violation of the provision of Sec.25F, G and H of the I.D. Act, 1947, in this context, I would like to make reference of provision of Sec.25F, 25G and 25H of I.D. Act, 1947 as extracted below:

Section 25F in The Industrial Disputes Act, 1947

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month' s notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

Section 25 – G: "Where any workman in an industrial establishment who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman."

Section 25 – H: "Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity [to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons."

Therefore, to seek protection of provision of Sec.25F of the Act, from retrenchment the workman has to prove and establish by cogent evidence that he had worked continuously for 240 days in a calendar year just preceding from the date of termination. The issue regarding continuous service of 240 days in a calendar year just preceding form the date of termination of the employee has been decided by the Hon'ble Apex Court in number of decisions . The reference of few decisions are mentioned below:-

a). In **Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:**

"I*t was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had worked for 240 days in the year preceding the date of his termination. He has filed an affidavit. It is statement which is in his favor and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year."*

b. In the case **of Municipal Corporation, Faridabad Vs. Siri Niwas AIR 2004 SC 4681**, wherein Hon'ble Apex Court have held,

"that the burden of proof was on the workman to show that he had worked for 240 days in the preceding 12 months prior to his alleged retrenchment u/s 25F of the Industrial Disputes Act, 1947. It is also held that it is improbable that a person working in a Local Authority would not be in possession of any documentary evidence to support his claim before the tr. Apart from muster rolls he could have shown the terms and conditions of his offer of appointment and the remuneration received by him for working during the afore mentioned period. He even did not examine any other witness in support of his case."

c. In the case of **M.P. Electricity Board Vs. Hariram etc., AIR 2004 SC 4791**, wherein Hon'ble Apex Court have held,

"*Fact that Board failed to produce muster rolls for year 1990 to 1992 though called upon to produce muster rolls for years 1987-1992- Not sufficient to draw adverse inference against Board – cannot be basis for finding that Respondents have worked for 240 days in a year –Moreso when Respondents neither specifically claimed nor established that they had worked for 240 days in a given year."*

In the case of **Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr.,** the Hon'ble Apex Court has reiterated the principle that the burden of proof lies on the workman to show that he has worked for 240 days continuously in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence apart from examining himself to prove the factum of his being in employment of the employer. Thus, it is necessary for the workman to produce the relevant material to prove that he has actually worked with the employer for not less than 240 days during the period of 12 calendar months preceding the date of his termination. The documents filed by the Petitioner reveals that he had not worked continuously for 240 days just preceding form the date of his termination and he was engaged intermittently as daily wager by the Respondent and paid for number of days work done.

12. Thus, I am constrained to hold that the claimant has utterly failed to establish his claim by his oral and documentary evidence that he was appointed as a Class-IV employee in the Respondent Management office since 2009 and he had worked continuously for 240 days in a calendar year in view of the provision of Sec.25F of the I.D. Act, 1947 and law laid down by the Hon'ble Apex Court as discussed above.

13. Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court, I am of the considered opinion that the removal of the Petitioner Sri A.V.Ankaiah, from service by Respondent is legal and justified.

Thus, Point No.I is decided accordingly.

14. **Point No.II**: In view of the finding given at Point No. I, Petitioner is not entitled to any relief and this petition is found to be baseless, hence, liable to be dismissed.

Therefore, Point No.II is decided accordingly.

AWARD

The action of Respondent Management to remove the Petitioner Sri A. V. Ankaiah, from service is held legal and justified. The Petitioner is not entitled to any relief. Claim Petition is dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 16th day of February, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri A.V. Ankaiah	MW1: Sri C. Madhusudhan

Documents marked for the Petitioner

Ex.W1:	**Photostat copy of reference recd. from Government of India.**
Ex.W2:	**Photostat copy of minutes of conciliation dt. 2.1.2015**
Ex.W3:	**Photostat copy of letter from R2 to R1 dt. 11.7.2013**
Ex.W4:	Photostat copy of SSC certificate of WW1
Ex.W5:	**Photostat copy of bunch of wage slips**
Ex.W6:	**Photostat copy of Wages ledger from 6/2011 to 3/2012**
Ex.W7:	**Photostat copy of Wager ledger from 4/2012 to 3/2013**
Ex.W8:	Photostat copy of wages ledger from 4/2013 to 5/2014

Documents marked for the Respondent

NIL

नई दिल्ली, 1 मार्च, 2024

का.आ. 449.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मिश्रा धातु निगम लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री नंदजी सिंह** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 143/2013)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-74]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 449.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 143/2013)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the

employers in relation to **Mishra Dhatu Nigam Limited** and **Shri Nandji Singh** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. Z-16025/04/2023-IR(M)-74]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: -**Sri Irfan Qamar**

Presiding Officer

Dated the 13th day of October, 2023

INDUSTRIAL DISPUTE L.C.No. 143/2013

Between:

Sri Nandji Singh,

Staff No.3765, Artisan C

Plot No.6 Opp. Native Church,

Lenin Nagar, Post Office,

Vaishali Nagar, Saroornagar Mandal,

R.R. District. ..….Petitioner

AND

1. Chairman cum Managing Director,
   Mishra Dhatu Nigam Limited,
   (Govt. of India Enterprise)
   P.O. Kanchan Bagh, Hyderabad - 500 058.
2. The Deputy General Manager,
   (Forge, HT, M/C, HRM, AMD, B &WD, Picking, FWIPY)
   Mishra Dhatu Nigam Ltd.,
   (A Govt. of India Enterprise)
   P.O. Kanchanbagh, Hyderabad – 500 058. ….Respondents

Appearances:

For the Petitioner : M/s. M. Vijay Kumar Goud, M. Shivaranjan Yadav, Y. Harish Kumar Sharma &Arun Kumar Mudi, Advocates

For the Respondent : Sri G. Sudha, Advocate

AWARD

Sri Nandji Singh who worked as Artisan C (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Mishra Dhatu Nigam Limited, seeking for declaring the proceeding dated 12.12.2002 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The workman/Petitioner Shri Nandji Singh was working as Artisan C bearing Staff No. 3765 in respondent's office and he has been illegally terminated from service on 12.12.2002 vide order No. MDN/PER/PF-3765/02 through press notification dt. 17.12.2002. That the Petitioner sent the explanation to 2nd show cause notice by registered post with letter dt.9.12.2002 and the management has not considered his explanation. On the other hand, the management denied that they have not received any such letter from the Petitioner. The respondent/management acted in a biased manner by not considering the explanation to the II show cause notice. As such no legal notice

was served/issued to the respondent/management to consider the decision of termination/dismissal from the service and to take him back in service with back wages. However, the petitioner preferred appeal to Appellate Authority on 18.12.2002 as per the by laws of respondent company. After waiting for more than 15 days from the date of filing of appeal, the Petitioner constrained to approach this Hon'ble Court and that the interference this Hon'ble Court is warranted of him back in service with back wages. The Petitioner worked with the respondent as Artisan 'C' popularly known as Crane Operator. He has worked with the respondent with utmost satisfaction of the management for the last 22 years. The Petitioner rendered excellent services to the company and contributed in achieving the Annual Target for the respondent. For the extra ordinary working capacity and technical skill, the Petitioner was honoured with several awards. The Respondent also issued letters for work appreciation and issued merit certificates from his shop incharge, Department, Head and Higher Officers of the company including the 1st Respondent. It is further submitted that the Petitioner was appointed as Crane Operator in the year 1980. At the time of appointment of the services of the Petitioner, the Management thoroughly verified the original certificates of Educational and experience and found to be correct and confirmed the services for the post of Artisan 'A' Crane Operator. It is further submitted that in the year 1983-84 the respondent, conducted marks enquiry for verification of certificates for those who have joined with the respondents along with the Petitioner. The Management verified the certificates once again and also investigated about the correctness and the Petitioner was asked to produce all the originals. Accordingly, the Petitioner submitted the original certificates to Shri N.P. Rao the then Deputy Manager (Per)-cum-Enquiry Officer. On completion of the enquiry, the Management considered all the material and evidences available on record and passed final order vide Order No. MDN/PPD/PF-37 65/8 dt. 7.4.1986 and thereafter the matter was closed at managing director level. After completing the said enquiry, the Petitioner requested the Management to return the original certificates by letter dated 16.4.1986. Though the said letter was sent through proper channel, the respondent/management has not responded and the originals of the Petitioner were never returned. It is further submitted that after conducting the subsequent enquiry over original certificates, the Petitioner worked with utmost satisfaction of the management due to which he has been called for interview for promotion. The Management having satisfied with his qualification, promoted the petitioner twice by appreciating the quality of work, output, experience and on the strength of the certificates available on record with the respondent. While being so, the Petitioner was called for interview vide their letter dated 23.5.2001 and for which the Petitioner was qualified in both the tests interviews. Surprisingly, the Petitioner was withheld and other colleagues who appeared for the interview before Departmental Promotion Committee-2000 have received their promotion letters. Withholding the promotion of the Petitioner is illegal and arbitrary. It is further submitted that in the year 200l, the Manager (Personnel) of the Respondent has asked the Petitioner to produce the original certificates which were already submitted and, were readily available in personal records, which is done obviously with the malafide intention to harass the petitioner. The Petitioner submitted that the respondent/ management issued a charge-sheet on 4-3-2002 by fabricating false allegations and asked the petitioner to produce the original certificates for verification and constituted an Enquiry Committee and Shri Suresh Tamboli was appointed as Enquiry Officer as the management was not satisfied with the explanation dt.9.3.2022 as it was not considered in toto. It is submitted that the certificates which were verified and found in order and the said issue was closed by the Management in the year 1986. The re-opening of the case for conducting the enquiry on the same issue is nothing double but jeopardy. The intention of the Management is very clear that they wanted to harass the petitioner and to remove him from service only, for the said reason the case was reopened in the matter where the issue was settled/adjudicated, passed final order over sixteen years back. That the Enquiry Officer acted in biased manner by denying the Petitioner to defend the alleged charges against him thereby the petitioner is deprived of legal rights. That the entire proceeding was an eye-wash and the proceedings were closed ex-parte and the Enquiry Officer has not followed the principles of natural justice. Further the Enquiry Officer not allowed the petitioner and his representative to cross examine the management witnesses and not even allowed the petitioner to produce his witnesses in his defence. The Petitioner gave representations to the Enquiry officer on 29.6.2002 and 5.8.2002 requesting the Enquiry officer to permit him to adduce the evidence on his behalf, having received the same the Enquiry Officer neither responded nor given an opportunity to produce witnesses on behalf of the Petitioner. The Petitioner further submits that through out the enquiry, the Enquiry Officer acted to the tunes of the management. The entire enquiry has been stage managed. During the course of the enquiry, the Presenting Officer has produced fabricated documents as exhibits with an objective to prove the false allegations and charges foisted against the Petitioner. The Petitioner also protested and raised the objections for marking such false and fabricated documents and requested the management to produce the originals of said exhibits before the Enquiry Officer. The said objection was recorded by the Enquiry Officer in his proceedings dated 6.8.2002 and also the Petitioner gave a representation through his letter dt. 12.8.2002. Inspite of the said representation by the Petitioner, there was no positive response. On the other hand, the Enquiry Officer with collusion with the management made false allegations that the Petitioner has stolen the originals from the Enquiry file when the Enquiry officer had been to natural call. That the said allegation is totally false and concocted story created for the purpose/throwing further allegations and to establish that the behaviour of the Petitioner is not good. The Petitioner further submits that on 3.8.2002, the above allegations were made and several responsible officers were present, they are Shri A.S. Bahuguna, Mr.N.P. Rao, Ex-D.G. M.., who is also management witness, and Sri Shyam Rao who is typist to record the statements of the enquiry proceeding and Mr. Gangadhar who is the workman and representing the Enquiry

Officer on behalf Petitioner. As such the tampering or taking away papers from the enquiry file does not arise. This said allegation is made only to harass the Petitioner and to put him in mental agony. The Petitioner submits that during the period of conducting the enquiry, a fresh charge sheet -cum suspension order was issued on 19.8.2002. However, the said order pasted on notice board on 22-8-2002 without serving the said order to the Petitioner. It, is not out of place to mention that there was six Enquiry sittings i.e. on 3rd, 6th, 8th, 9th , 13th and 19th August, 2002 there was no whisper about the said allegations on all these proceedings. The said allegations are imaginary, created to throw the petitioner out of service thereby the Petitioner was suspended. It is further submitted that it is crystal clear that the Enquiry Officer colluded with the management and made allegations and tried to secret the original certificates and the documents pertaining to the charges for which the Petitioner made a complaint before the Station House Officer, L. B, Nagar, Police Station. It is further submitted that the suspension order dt. 19-8-2002 is itself illegal, arbitrary and contrary to law. Such order was passed only to harass the petitioner on one pretext or the other. Aggrieved by the said illegal order the petitioner was constrained to approach the Hon'ble High Court of Andhra Pradesh and the High Court has passed an interim order in W.P.M.P.No. 23621 of 2002 in W.P.No. 18799 of 2002 on 30.9.2002 directing the respondent not to insist the Petitioner for marking the attendance on all working days of the company etc.. Inspite of the said order, the respondent did not choose to pay the subsistence allowance to the Petitioner. The Petitioner also made several representations to pay the subsistence allowance and also submitted non -employment certificate. Inspite of receipt of the same, the respondent did not choose to pay the subsistence allowance. The respondent knowingly did not pay the subsistence allowance when the Petitioner was undergoing medical treatment for spinal cord and to pay the school fees to his children. The Petitioner was literally under starvation. It is nothing but intentionally and deliberately disobeying the order of the Hon'ble High Court. The recognized Union of the respondent's company have also represented through their letter dt. 3.9.2002 to pay the subsistence allowance for which there was no response. Further, two Unions of the respondent's company i.e., MIDHANI Mazdoor Union and MIDHANI workers/staff Union have represented through their letter dt. 24.8.2002 by condemning the charge sheet- Suspension order issued against the Petitioner. The respondent/management having not digested the same suspended the Office-bearers of the trade Unions on 19-8-2002. Aggrieved by the said illegal activities of the respondent /management, the Unions conducted the Dharna in front of the main gate and before-the chambers of the 1st respondent. Immediately the respondent revoked the suspension order of the office-bearers of the Union on 23-9-2002 thereby the management had made an attempt to make the Petitioner alone with an intention to harass the petitioner. The Petitioner further submits that he made a representation to the management on 21.8.2002 and also to the Enquiry Officer intimating that he is undergoing treatment for spinal cord for which the Petitioner earlier had undergone surgery with a request for adjournment of enquiry from 22-8-2002 to till the recovery. The Petitioner also submitted the medical reports and certificate. Inspite of the same, the Enquiry officer concluded the enquiry proceedings hastily and the Petitioner was remained ex-parte. His submission of the defence assistant also went in vain. The Enquiry Officer conducted the enquiry partially and not conducted as per the rules of the standing orders and principles of natural justice. The findings of the enquiry is not of sound reason, it is one sided and the statement and material evidence has not been faithfully reproduced in the enquiry report and not recorded questions and answers of the witnesses which were helpful to the petitioner. The Petitioner has not accepted the findings of the enquiry and denied. The enquiry report is perverse and against the established principles of law. The provisions of principles of natural justice has been bid to farewell with an intension to throw the petitioner out of employment in an un-ceremonious way. For the above said facts and circumstances, it is crystal clear that the original certificates of the Petitioner are either destroyed or secreted by the management. One way they demanded to produce originals for verification and on the other hand all alleging that the Petitioner has stolen the same which itself is a contradictory. It is further submitted that after receipt of the ex-parte enquiry report, the 2nd respondent issued, the said show-cause notice, not at all tried to serve on the Petitioner, and it was, published on the News Paper on 1.12.2002. The said publication was made deliberately with an intention to damage the reputation of the Petitioner among his friends, relatives, colleagues in the society. After the knowledge of the publication, the Petitioner sent a request letter on 5-12-2002 seeking two weeks time to give the reply to the final show cause notice and also sent an interim reply through his letter dt. 9.12.2002 by seeking clarification reply to show cause notice. The respondent/management has not considered the representations of the Petitioner and not given an opportunity to give reply to the final show cause notice followed by dismissal order dt. 12.12.2002 which was also published in the News paper on 17-12-2002. The xerox copy of the dismissal order was sent in ordinary post. The Petitioner has no other go except to approach this Hon'ble Court and intervention of this Hon'ble Court is warranted. The Petitioner has not filed any petition for the relief prayed, in any other court. The Petitioner is remained unemployed from the date of suspension/dismissal and he is the only bread earner for entire family. Therefore, prayed to set aside the dismissal order dated 12.12.2002 and direct the Respondent to reinstate the Petitioner into the service with back wages and all other attendant benefits.

3. **The Respondents filed counter refuting the averments made in the petition, with the averments in brief which runs as follows**:

It is submitted that the Respondent's organization engaged in the manufacture of special metals and super alloys to meet the strategic needs of the country. At the time of initial appointment into service, the copies of the certificates furnished by the Petitioner were taken in good faith by the Management and posting has been given. Thoroughly

verifying the original certificates with the copies and also particulars given in the application form. So the question of verifying whether the certificates are genuine or not, is not in the knowledge of the Respondent. To cover up his misconduct Petitioner has chosen to make allegation that the Management thoroughly verified the original certificates of education and experience and found to be correct. It may be noticed that at the time of interview, number of employees were called for. All the candidates have submitted their educational qualification as well as experience certificates. The Respondent has bonafidely believed the information furnished by the applicant as true and correct and received the same. It is submitted that specific declarations have to be given by the applicant at the time of joining, that the facts stated by him about his name, father's name, particulars and educational qualifications, experience etc., are true and correct. That furnishing of incorrect information or withholding of factual information is likely to make him unfit for employment or if discovered after appointment, his services are liable to be terminated. Basing upon his declaration, appointment order was issued. It is further submitted that Petitioner has submitted experience certificate stating that he worked as crane Operator in M/s. RG Foundary and M/s. Poddar Projects Limited, Hyderabad. In the year 1983, the Respondent came to know that both the certificates are false and Petitioner never worked in those companies. Then, he was issued with charge memo No.MDN/PD/PF-3765/83 dated 25.6.1983 and Petitioner has submitted his explanation to the memo, which was found not satisfactory. As such, an enquiry was conducted and Disciplinary Authority issued show cause notice for termination of the Petitioner. After receiving reply, Respondent Management took a lenient view and awarded punishment of withholding of two increments with cumulative effect. Petitioner's contention that his educational and experience certificates were thoroughly verified and was given job is not correct. In fact, after verification, he took away the originals. It is submitted that Respondent company having came to know that some of the candidates have submitted false experience certificates at the time of their initial appointment, in the year 1983-84, conducted verification for all the candidates, where there is discrepancy or information was available. The Petitioner is one among those who were identified. After verification, Respondent initiated disciplinary action and two increments were withheld with cumulative effect. Confirming in the post of Artisan-A (Crane Operator) was done by the Respondent basing upon the information then available. The Management has no knowledge that he has submitted false experience or educational qualification certificates. It is submitted that the domestic enquiry was conducted and Sri N.P. Rao, Deputy Manger (Personnel) was appointed as Enquiry Officer, who conducted the enquiry and has taken the documents submitted during enquiry on record and found him guilty of the charge. Petitioner made representations to take a lenient view and submitted representation even to the Managing Director by giving a go bye to the procedure of proper channel. Accordingly, he was given lesser punishment of withholding two increments in the year 1986 instead of dismissal from the service. During the enquiry Petitioner has shown originals and gave copies and all the originals are in his custody. Respondent has not received any letter dated 16.4.1986 seeking for the alleged return of the original certificates. It is submitted that no such correspondence took place in this regard. It is submitted that Petitioner has submitted a transfer certificate at the time of joining the Respondent organization. When he was asked to give copy at that time he has prepared copy thereof and submitted handwritten copy and made endorsement of having received the original on 17.7.1982 and took the original. To cover up his misdeeds, Petitioner chosen to rise contention stating that the original documents were not returned. In the year 2001 complaint has been received by the Management against the Petitioner, stating that the educational qualification certificate and the transfer certificate submitted by him are not genuine and they are fake documents. Then, Respondent Company issued letters dated 16.8.2001 and 31.8.2001 calling upon his explanation. It is submitted that the Petitioner again reiterated that he has submitted correct certificates and not co-operated in furnishing the copies of his educational certificates. The Respondent made enquiry through their letter dated 16.8.2001 with the school named by the Petitioner i.e., Sri Thakur Pathak Uchchangal Vidyalaya, Sahara, Bihar. The Head Master of the said institution forwarded the letter dated 24.8.2001 intimating that the Petitioner's name is not in the admission register of their school in the year 1969 and the material particulars furnished in the transfer certificate submitted by the Petitioner is contrary to the information furnished by the school declared by the Petitioner. The Respondent Company is not interested to cause any trouble of problem to anybody including any employee or the petitioner, In order to ensure whether there could be any other institution, by name Sri Thakur Pathak Uchchangal Vidyalaya, Sahar, Bihar, other than Uchcha Vidyalaya, Sahar, a letter was addressed to the Head Master of the said school; who in turn, vide his letter dated 11.9.2001, clarified that the school was earlier named establishes that this petitioner has submitted a false transfer certificate to claim that he was a Matriculate. In view of the above commissions, which is a misconduct under Company Standing Orders applicable to the Petitioner, the Respondent company issued charge sheet dated 4.3.2002 calling upon the petitioner to give his explanation. The petitioner has submitted explanation. As the Management was not satisfied, appointed Sri Suresh Tamboli, Senior Manger, as Enquiry Officer, to enquire, into the charges During the course of enquiry, the petitioner submitted a letter dated 20.5.2002 purported to have been addressed to the Manager:(Personnel) issued by Sri Thakur Pathak Uchchangal Vidyalaya, Sahar, Bihar. On verification from the Personnel Manager, it came to light that even the letter dated 20.5.2002 is also not genuine document and is, fabricated document submitted by the Petitioner, by way of his defence during the course of enquiry. The enquiry Officer also in the finding observed that the Petitioner is in the habit of submitting false and fabricated documents, which he has also done, in the year 1983 as , the document dated 3.8.1983, addressed to the DGM (P&T) of the respondents by one General Foreman, Poddar Projects Limited. The said letter indicates that the petitioner has worked. as Crane Operator from 25.4.1980 to

5.9.1980. On verification, the Respondent came to know that the said document is also false and fabricated one. Only, for the purpose of gaining employment, the petitioner had chosen to fabricate the transfer certificate with incorporation of educational qualification as matriculate to gain employment. The said letter indicates that the petitioner has worked as Crane Operator from 25.4.1980 to 5.9.1980. On verification the Respondent came to know that the said document is also false and fabricated one. Only for the purpose of gaining employment, the petitioner has chosen to fabricate the transfer certificate with incorporation of Educational qualification as matriculate to gain employment. Full and fair opportunity was given to this Petitioner, and he was found guilty of the charges framed against him. As such the Respondent management has dismissed him from services. It may be noticed that while the preliminary enquiry was going on about the false certificate, the petitioner was called for the interview by the Departmental Promotion Committee in normal course as was done to all the candidates, who are eligible for promotion, as it is time scale promotion. The petitioner is one of the candidates, who has received the promotion letter and in view of the disciplinary proceedings in vogue, his promotion was withheld in a sealed cover. As such the allegation that withholding of promotion of the petitioner is illegal and arbitrary is not correct. The allegation of this petitioner, the Manager (Personnel) with a malafide intention and to harass the petitioner, asked this petitioner to produce original certificates, which were already submitted and were readily available in the records, is totally a false. It nay be noticed that from the initial appointment date till the date of dismissal, at no point of time the Petitioner handed over the original certificates to the Personnel Department. Whenever, he submitted any document, alleged to be original, he took it away and replaced with a copy. It is not the intention that during the course of enquiry, true copy of the transfer certificate, which is in handwriting submitted by the petitioner, is also one of the documents in the enquiry and the Petitioner having developed sinister motive to destroy the records, which prove his guilt, when the Enquiry Officer has gone for calls of nature, surreptitiously removed the handwritten copy of the transfer certificate from the enquiry file. Thus, acted in highhanded manner. The allegation made by the Petitioner that the in earlier proceeding the Management has verified and issue was closed in the year1986 and once again reopened, conducted enquiry is nothing but double jeopardy, is' not correct. The disciplinary action taken in the year 1986 is totally different from the disciplinary action taken by the Management in the year 2001. The charges were also different. There is no double jeopardy in this case. It is submitted that the Enquiry Officer has acted in a biased manner denying the petitioner to defend the charges levelled against him and is deprived of legal rights is totally false fact. The further allegation that the entire proceeding was an eyewash and the proceedings were closed ex-parte and the Enquiry Officer has not followed the principles of natural justice is also not correct. It may be noticed that even during the course of enquiry, petitioner tried to tamper the record and destroy the evidence. Consequently, another charge sheet dated 19-08-2002 was given to this petitioner and he was kept under suspension. It is not out of place to mention that during the course of enquiry the Petitioner having tampered the records when it was pointed out by the Enquiry Officer, he gave threat of dire consequences to the Enquiry Officer and created a situation not to proceed with the enquiry. So the Enquiry officer gave police complaint to the Station House Officer, Kanchanbagh Police Station, giving all material facts, bringing it to the notice of the police authorities that this petitioner tried to snatch away the transfer certificate, which is in the enquiry file and that process, he forcefully pulled out the copy of transfer certificate from the file, which resulted a small piece remained and the other pieces which he got made it into pieces, destroyed. Because of the threat to the Enquiry Officer he was left with no other alternative but to report the matter to the police about the threat and high handed misconduct of the Petitioner. The petitioner has decided not to proceed with the enquiry. So he remained absent and the Enquiry Officer set him ex-parte and conducted enquiry after giving full and fair opportunity to this petitioner and several communications were sent to him calling upon him to appear in the domestic enquiry. It is also not out of place to mention that the Respondent Management suspended the Petitioner, because of the disorderly behaviour and threats given by him during the enquiry. But the enquiry with regard to the charge sheet dated 4.3.2002 was completed and the enquiry proceedings were forwarded by the Enquiry Officer to the Management and respondent issued show cause notice calling upon the Petitioner to give reply to the proposed punishment. The allegation of the Petitioner that no opportunity was given to him to lead evidence on his behalf or to produce witnesses and the Petitioner's representatives were not permitted to cross examine the Management witnesses is not correct. Management was examining their witnesses and during that that period only the petitioner' tried to destroy the certificate and started evading the enquiry on one ground or the other and the defence assistant of Petitioner who conducted enquiry on his behalf, sought several adjournments on the ground that the petitioner was sick, but has not produced any substantial proof in that regard. Then the Enquiry Officer keeping in view the principles of natural justice has chosen to give time as and when he asked for. The allegation that the Enquiry Officer has not permitted him to produce his witnesses is a distorted version. The reason being, before completion of the evidence of the Management, the petitioner stopped attending for enquiry, and ultimately the representative also stopped. Several notices were, given by the Enquiry Officer fixing the date for enquiry and the petitioner, has not evinced any interest. Consequently, the Enquiry Officer was left with no other alternative but to set him ex-parte and proceeded with the enquiry. The petitioner to cover up his omissions and-commissions has chosen to seek for production of original, of the said exhibits, as if they were in the custody of the Management, without furnishing them. All the acts of the petitioner are premeditated ones to drag the enquiry. There is substantial evidence to show, that the document which was marked as exhibit during the enquiry was snatched and stolen by the Petitioner for which he was suspended and the charge sheet was issued. But, by the time this enquiry was completed and the dismissal order was passed, the

Management felt no need to proceed further. The record itself indicate that the way the Petitioner conducted himself and behavior was objectionable in nature. Only to harass the Petitioner misconduct of tampering is raised, is not correct. The Petitioner snatched away the copy of transfer certificate from the Enquiry Officer's file and gave threat of dire consequences, a fresh charge sheet was given on 19.8.2002, but the Petitioner refused to receive the charge sheet. As such it was displayed in the notice board, according to Standing Orders. The misconduct was serious in nature and the Management was left with no other alternative but to suspend the Petitioner. The Petitioner read the enquiry file in one-sided manner and come to his own conclusion that the Enquiry Officer colluded with the Management. The allegation of this petitioner that the suspension order dated 19.8.2002 is illegal and arbitrary and contrary to law is not correct. It is true that Petitioner filed Writ Petition No. 18799 of 2002 on 30.9.2002 and obtained interim direction not to insist the Petitioner for marking on all working days of the company. A counter has been filed. But the allegation that the petitioner was not paid subsistence allowances during the suspension period is not correct. According to the Standing Orders, he has to submit self declaration that he is unemployed to receive subsistence allowance. That cannot be treated as harassment, as there are several employees going away on one cause or the other and will have double employment. That was the reason, the employees were asked to self certify about their non employment. That cannot be treated as intentional and deliberately disobeying the orders of the Hon'ble High Court. It is submitted that the unions have given letters with regard to payment of subsistence allowance; it is no way connected to the petitioner's case. Some of the employees were suspended and Disciplinary action was initiated against them for distributing pamphlets and other misconducts. They have submitted representations in that context. That is nothing to do with the Petitioner's case or disciplinary action. Every case was dealt by the Management on case-to-case basis. There was no threat of dire consequences to any of the officer by those employees. That was the reason suspension order was revoked for them. That cannot be coloured by this petitioner with the allegation that only with an intention to harass him, the petitioner' suspension order was not lifted, which is not correct. The Management has not acted in discriminatory attitude so far as the delinquent employees are concerned. Petitioner sought adjournments on the ground of some spinal cord problem, adjournments were granted but he was asked to submit medical report/certificates which will enable the Enquiry Officer to adjourn the matter. But Petitioner has not chosen to submit any medical certificate. Though called upon his Defence Assistant to produce medical report/certificates of the Petitioner, he too has not heeded to. Then the Petitioner was set ex-parte. The allegation that findings of the Enquiry Officer are not on sound reasoning and one sided statement, material evidence was not produced etc.. are not correct. When he was not successful in dragging the enquiry, delay tactics not worked he gave dire consequences to the Enquiry Officer. It is a settled principle of law that if the delinquent employee himself adopts non-co-operative attitude and creates such sort of sequences which compels the Management to proceed ex-parte enquiry, such enquiry is binding on the employees. It is submitted that final show cause notice was sent by the Respondent on 7.11.2002 by registered post acknowledgement due to the residential address and it was returned as 'not claimed'. Then after paper publication, Petitioner approached the Management on 2.12.2002 and received show cause notice, requested for time by giving interim reply, and time was granted upto 11.12.2002. But he has not submitted any reply within the given time. Hence, after going through the entire records, Respondent found no extenuating circumstances to interfere with the proposed punishment of dismissal, as the nature of misconducts being serious, he was dismissed from service. By making false representation and giving wrong particulars, the Petitioner was successful from 1980 till 2002 to continue in the employment It is submitted that not submitting the information or being silent when he is supposed to furnish the information itself is misconduct. Genuine candidates were deprived of public employment. Because of the misconducts and serious omissions and commission of the Petitioner. The Management has lost confidence on the Petitioner. As such, the Management is justified in dismissing the Petitioner. It is submitted that the Petitioner's submission that he is the only breadwinner of entire family and faces hardships cannot be considered on sympathetic grounds, as it is the situation brought by the Petitioner himself. There are no merits in the Petitioner's case and the Petitioner is not entitled for the setting aside of the dismissal order dated 12.12.2002. In view of the above mentioned facts, it is prayed to dismiss the petition.

4. The domestic enquiry held not valid vide order dated 26.6.2010. Hence, Respondent examined three witnesses, Sri N.P. Rao as MW1, Sri Sachindra Kumar as MW2 and Sri S. Narasinga Rao as MW3. And got marked photocopies of documents Ex.M1 to M34. Petitioner has examined himself as WW1 and marked photocopies of documents Ex.W1 to W **37**.

5. Heard arguments of both counsels for Petitioner and Respondent.

6. On the basis of the pleadings of both parties and arguments advanced, the following points emerge for determination:-

I. Whether the Petitioner has obtained the appointment on the post of Crane Driver in the Respondent Management on the basis of false and forged documents i.e., educational certificates ?

II. Whether the action of the Management in terminating the Petitioner from service vide order dated 12.12.2002 is legal and justified?

III. To what relief the Petitioner is entitled for?

FINDINGS:

7. **Point No.I:** Petitioner workman submits that he worked with the respondent as Artisan 'C' popularly known as Crane Operator. He has worked with the respondent with utmost satisfaction of the management for the last 22 years. The Petitioner rendered excellent services to the company and contributed in achieving the Annual Target for the respondent. He was also issued with letters of work appreciation and he was also issued merit certificates from the Department. It is submitted that Petitioner was appointed as Crane Operator in the year 1980 and at the time of appointment of the services of the Petitioner, the Management thoroughly verified the original certificates of Educational and experience and it was found to be correct and confirmed the services for the post of Artisan 'A' Crane Operator. It is further submitted that in the year 1983-84 the respondent conducted mass enquiry for verification of certificates for those who have joined with the respondents along with the Petitioner. The Management verified the certificates once again and also investigated about the correctness and the Petitioner was asked to produce all the originals. Accordingly, the Petitioner submitted the original certificates to Shri N.P. Rao the then Deputy Manager (Per)-cum-Enquiry Officer. On completion of the enquiry, the Management considered all the material and evidences available on record and passed final order vide Order No. MDN/PPD/PF-37 65/8 dt. 7.4.1986 and thereafter the matter was closed at managing director level. After completion of the said enquiry, the Petitioner requested the Management to return the original certificates by letter dated 16.4.1986. But the Respondent Management did not respond and the originals of the Petitioner were never returned. It is further submitted that the Petitioner was called for interview vide letter dated 23.5.2001 and for which the Petitioner was qualified in both the tests and interviews. Surprisingly, the Petitioner was withheld and other colleagues who appeared for the interview before Departmental Promotion Committee have received their promotion letters. Withholding the promotion of the Petitioner is illegal and arbitrary. It is further submitted that in the year 200l, the Manager (Personnel) of the Respondent has asked the Petitioner to produce the original certificates which were already submitted and, were readily available in personal records, which is done obviously with the malafide intention to harass the petitioner. The Petitioner submits that the respondent/ management issued a charge-sheet on 4-3-2002 by fabricating false allegations and asked the petitioner to produce the original certificates for verification and constituted an Enquiry Committee and Shri Suresh Tamboli was appointed as Enquiry Officer as the management was not satisfied with the explanation dt.9.3.2022 as it was not considered in toto. It is submitted that the certificates which were verified and found in order and the said issue was closed by the Management in the year 1986. The re-opening of the case for conducting the enquiry on the same issue is nothing but double jeopardy. The intention of the Management is very clear that they wanted to harass the petitioner and to remove him from service only, for the said reason the case was reopened in the matter where the issue was settled/adjudicated, passed final order over sixteen years back. It is also submitted that the Enquiry Officer acted in biased manner by denying the Petitioner to defend the alleged charges against him thereby the petitioner is deprived of legal rights and the entire proceeding was an eye-wash and the proceedings were closed ex-parte and the Enquiry Officer has not followed the principles of natural justice. It is also submitted that the Enquiry Officer not allowed the petitioner and his representative to cross examine the management witnesses and not even allowed the petitioner to produce his witnesses in his defence. The Petitioner gave representations to the Enquiry officer on 29.6.2002 and 5.8.2002 requesting the Enquiry officer to permit him to adduce the evidence on his behalf, having received the same the Enquiry Officer neither responded nor given an opportunity to produce witnesses on behalf of the Petitioner.

8. It is also submitted that after receipt of the exparte enquiry report 2nd Respondent issued a show cause notice on 7.11.2002, the said show cause notice issued with retrospective effect in not at all tried to serve Petitioner and it was published in the newspaper on 1.12.2002 , said publication was made deliberately with an intention to damage the reputation of the Petitioner among his friends, relatives, colleagues in the society. After issuing the publication the Petitioner sent a request letter dated 5.12.2002 seeking two weeks time to give the reply to the final show cause notice and also sent an interim reply through his letter dt. 9-12-2002 by seeking clarification reply to show cause notice. The respondent management did not consider the representations of the Petitioner and did not give opportunity to give reply to the final show cause notice followed by dismissal order dt. 12-12-2002 which was also published in the News paper on 17-12-2002.

9. On the other hand Respondent has contended that in the year 2001 complaint has been received by the Management against the Petitioner stating there in that Petitioner's educational qualification and transfer certificate submitted by him are not genuine and they are fake documents. On receipt of the said information Respondent Company issued letters dated 16.8.2001 and 31.8.2001 calling upon his explanation. calling upon his explanation. It is submitted that the Petitioner again reiterated that he has submitted correct certificates and not co-operated in furnishing the copies o his educational certificates. The Respondent made enquiry through their letter dated 16.8.2001 with the school named by the Petitioner i.e., Sri Thakur Pathak Uchchangal Vidyalaya, Sahara, Bihar. The Head Master of the said institution forwarded the letter dated 24.8.2001 intimating that the Petitioner's name is not in the admission register of their school in the year 1969 and the material particulars furnished in the transfer certificate submitted by the Petitioner is contrary to the information furnished by the school declared by the Petitioner. The Respondent Company is not interested to cause any trouble of problem to anybody including any employee or the petitioner, In order to ensure whether there could be any other institution, by name Sri Thakur

Pathak Uchchangal Vidyalaya, Sahar, Bihar, other than Uchcha Vidyalaya, Sahar, a letter was addressed to the Head Master of the said school; who in turn, vide his letter dated 11.9.2001, clarified that the school was earlier named establishes that this petitioner has submitted a false transfer certificate to claim that he was a Matriculate. In view of the above commissions, which is a misconduct under Company Standing Orders applicable to the Petitioner, the Respondent company issued charge sheet dated 4.3.2002 calling upon the petitioner to give his explanation. The petitioner has submitted explanation. As the Management was not satisfied, appointed Sri Suresh Tamboli, Senior Manager, as Enquiry Officer, to enquire, into the charges During the course of enquiry, the petitioner submitted a letter dated 20.5.2002 purported to have been addressed to the Manager:(Personnel) issued by Sri Thakur Pathak Uchchangal Vidyalaya, Sahar, Bihar. On verification from the Personnel Manager, it came to light that even the letter dated 20.5.2002 is also not genuine document and is, fabricated document submitted by the Petitioner, by way of his defence during the course of enquiry. The enquiry Officer also in the finding observed that the Petitioner is in the habit of submitting false and fabricated documents, which he has also done, in the year 1983 as , the document dated 3.8.1983, addressed to the DGM (P&T) of the respondents by one General Foreman, Poddar Projects Limited. The said letter indicates that the petitioner has worked. as Crane Operator from 25.4.1980 to 5.9.1980. On verification, the Respondent came to know that the said document is also false and fabricated one. Only, for the purpose of gaining employment, the petitioner had chosen to fabricate the transfer certificate with incorporation of educational qualification as matriculate to gain employment.

10. Since the validity of domestic enquiry was decided vide order dated 27.3.2004 which has been set aside by the Hon'ble High Court in common order passed in WP No.16231/2005 and Writ Appeal No. 1722/2005 in WP No.3665/2005 and vide order dated 26.6.2010 the domestic enquiry conducted in the present case held not valid. Therefore, parties have been afforded opportunity to adduce the evidence to support their contentions. To support his claim Petitioner has examined himself as WW1 and Respondent has examined MW1.

11. Petitioner claims that he was appointed as artisan A (Crane Operator) in the year 1980 in the respondent company namely Mishra Dhatu Nigam Ltd, Kanchanbagh, Hyderabad and ever since his appointment, the petitioner worked with the respondent for 23 years with utmost satisfaction of his superior and received several awards in appreciation of his duties until 12th December 2002, when the petitioner was illegally dismissed from service as an act of victimization. Petitioner claims that at the time of appointment, the respondent management verified all the original certificates found to be correct and confirmed the services of the petitioner for the post of Artisan 'A' (Crane Operator). It is submitted that verification of document was done in the year 1983-84 and he handed over his original educational certificate & experience certificate to Shri N.P. Rao, Dy. Manager, Personnel Upon completion of the inquiry, the management passed order vide No. MDN/PD/PF-3765/86 dated 7th April, 1986, by withholding two annual increments and thereafter the matter was closed. But, the original certificate submitted by the petitioner were never returned by the respondent management.

12. The perusal of the records goes to reveal that in the earlier inquiry in the year 1983-84 the experience certificate of the petitioner which he had submitted at the time of appointment a eligibility qualification was found false and fake and management vide order dated 7th April, 1986 inflicted the punishment of withholding 2 annual increments of the petitioner. But in the charge sheet dated 4th March, 2002, the petitioner was charge sheeted under the certified standing orders of the company clauses 19 (44) Falsification of the record, Clause 19 (50) Furnishing of False Information while seeking employment, Clause 19 (10) Breach of departmental rules and regulation instructions for proper running of the company and Clause 19 (13) Willful insubordination or disobedience of any order of superior in the discharge of duties. As, it was alleged that petitioner at the time of appointment, Petitioner has submitted the documents of his educations i.e., School Transfer Certificate No. 51, Bihar Secondary School Certificate, Marks Memorandum of Secondary School Examination and School Transfer Certificate which were found forged and fake on verification and inquiry. The charge sheet in earlier inquiry in the year 1983-84 was related to false experience certificate for which he was punished for stoppage of two increments, whereas by charge sheet dated 4.3.2002 enquiry was conducted for producing forged and false educational certificate for obtaining employment and found guilty. Therefore, punishment with dismissal from service was imposed for producing the forged and false educational certificate for obtaining the employment in the respondent management. The plea of the petitioner that the act of respondent management of dismissal of Petitioner workman was done to victimization of the petitioner which caused double jeopardy is not acceptable because the Petitioner has been punished by the Respondent for two different charges of misconduct independently.

13. Further, petitioner contended that the Inquiry Officer conducted the inquiry at the tune of respondent management in violation of principle of natural justice and without furnishing the copies of the record relied on by them in support of the charge. It is also submitted that the inquiry officer conclude the inquiry with a biased mind and submitted a ex-party inquiry report without allowing the petitioner to represent his case and didn't allow the petitioner to cross examine the management witness to enable him to corroborate his defense and the respondent management didn't afford opportunity to represent his case through co-worker and didn't permit the petitioner to produce his witness hence the entire inquiry procedure is vitiated.

14. It is to be noted that in the present matter the inquiry was held not legal and valid, therefore the respondent was afforded the opportunity to produce the evidence in support of the charge sheet against the petitioner and in the process of proving charge against Petitioner, respondent management has examined the Inquiry Officer as MW2 Sri Suresh Kamboli, Sr. Manager, who has deposed that allegation of the petitioner that no opportunity was given to him to lead evidence on his behalf or to produce the witness and the petitioner representative were not permitted to cross examine the management witness is not a correct fact. It's not out of place to mention here that while management was examining their witnesses during enquiry, the petitioner tried to destroy his educational transfer certificate and also started to evade the inquiry on one ground or the other and petitioner defense assistant also. Several adjournments sought by Petitioner on the ground that petitioner illness and did not produce any substantial proof in that regard, despite several opportunities were accorded to him. The Inquiry Officer keeping in view the principle of natural justice has chosen to give time as and when, when he asks for. The allegation that Inquiry officer hasn't permitted him to produce his witness is a distorted version. The reason being, even before the completion of evidence of the management, the petitioner stopped coming for inquiry and ultimately the representative also stopped. Several notices were given by the Inquiry Officer fixing the date for Inquiry and the petitioner has not evinced any interest. Consequently, the Inquiry Officer was left with no alternative but to set an ex-parte and proceeded with the inquiry. As such the allegation made in paragraph No. 8 to 10 of the petition are contrary to the inquiry report. The perusal of the record of inquiry proceeding and the statement of inquiry officer in this regard goes to show that plea taken by Petitioner is contrary to record and not found correct. Moreover the witness MW2 has not been cross examined by the petitioner counsel on this aspect. Thus the statement of MW2 in chief examination remained uncontroverted. Therefore, the plea of the petitioner that he was not provided fair opportunity of hearing during the inquiry and the principle of natural justice was not acceptable as the petitioner despite the service of notice himself opted not to appear before inquiry. However, Petitioner has been provided opportunity of hearing for examining his witness WW1 as well as cross examination of Respondent witness during the hearing in the court.

15. In the present matter vide charge sheet dated, 4th March, 2002, inquiry was conducted against the petitioner for committing the misconduct of producing the false and forged Educational document pertaining to his eligibility for the appointment to the said post and after conducting the inquiry he has been found guilty of charge of submitting the forged and false certificate of education and the respondent management after considering the inquiry report as well as the explanation submitted by the petitioner delinquent inflicted punishment of dismissal of the petitioner from service vide order dated 12.12.2002. However, petitioner examined himself as WW1 in support of his averment of petition and he was cross examined by Respondent. In cross examination WW1 states that "I filed a marks memo dated 8th February, 2012 before the court. Ex.W9 is the said Marks Memo along with it there has been a school slip. I received this marks memo from the board. I am aware that respondent's official approached the board for making verification regarding this marks memo. As per Ex. W9 my Roll No. has been 7310/0172. I don't know whether the Board addressed letter dated 16/04/2013 to the respondent stating that there is no such roll no. and they have not issued any certificate like Ex. W9." Thus, from the above statement of the witness, it reveals that, the petitioner relied upon the document Ex. W9 i.e., Marks Memo regarding his educational qualification for his appointment on the past in the respondent management. Regarding, marks memo Ex. W9 which has been field by the petitioner in support of his educational qualification for appointment, respondent management carried out an extensive inquiry for verification of the same. Respondent has examined MW2 to prove the document Ex. M4 to M16 pertaining to verification report. Firstly, in order to verify the existence of educational institution from where the petitioner has claimed to have studied, and passed examination, a letter dated 16th August, 2001 Ex. M8 was sent to the Headmaster of Sri Thakur Pathak Unchangal Vidyalaya, Mathurapur Sahar, Shahbad, Bihar wherein the Headmaster has been asked to furnish the information regarding following facts:

(a) To give in writing whether Sri Nandji Singh was a bonafide student enrolled in your school and passed Bihar Secondary School Examination from your School conducted by the Bihar Board of Secondary Education during the year 1974 as per enclosed copy of School Transfer Certificate (TC).

(b) To furnish information with regard to Admission Register and other details relating to period of study. To send a copy of marks sheets of Bihar Secondary School Examination Board (with Hall Ticket Number, year of passing etc.)

(c) Date of birth of Sri Nandji Singh as per your Admission Register.

(d) To send bonafide certificate of Sri Nandji Singh.

(e) Whether he has passed the Board of Bihar Secondary. Please confirm.

(f) Any other information pertaining to Sri Nandji Singh.

16. In response to the above communication letter Ex.M8, the Principal of Uchch Vidyalaya Sahar, Bhojpur vide letter dated 24th August, 2001 Ex. M4 retorted that Sri Nandi Singh S/o Sri Arjun Singh has not been admitted in admission register of the school in 1969. Further, in response of the letter dated 6th September, 2001 sent by the management, The Principal of Uchch Vidyalaya, Sahar vide letter dated 11th September 2001, Ex. M5,

communicated that the former name of High School Sahar was Thakur Pathak Unchangal Vidyalaya School and there is no High School in Mathurapur named after Shri Thakur Pathak Unchangal Vidyalaya, Mathurapur, Shahbad. Thus, it is clear that petitioner claim that the certificate of Marks was obtained from Thakur Pathak Unchangal Vidyalaya Sahar, Mathurapur is not found to be correct as the name of the petitioner in the said school records i.e., in Admission Register is not found, where the petitioner claimed to have studied. It would be pertinent to mention here that, Respondent issued number of notices to the petitioner to produce the original certificate of his educational qualification but he did not submit original certificate, i.e., i) Bihar Secondary School Examination Certificate, ii) Marks Memorandum of Secondary School examination and iii) Transfer Certificate and endeavoured to avoid to submit original certificate in compliance of notices issued to him by Respondent Management. Therefore, Respondent got the verification report of certificate from concerned school authority and Examination Board.

17. In order to verify the genuineness of certificate of marks Ex. W9, submitted by the petitioner, it was sent to Bihar Vidyalaya Pariksha Samiti. The Dy. Secretary Surveillance, Bihar School Examination Committee Board, Patna sent verification report about certificate Ex. W9, and according to this verification report. The Roll No. 7310 Serial No. 172, which the Petitioner claimed that it was issued to him in said examination, has not been used in the examination conducted in the year 1974. The certificate of marks, Ex. W9, which has been relied upon by the petitioner for his educational qualification as eligibility to post do not pertains to the Examination of Secondary School of March, 1974. The documents filed by Respondent reveals that The Dy Secretary, Bihar School Examination Committee asked the Dy. General Manager to provide them original mark sheet of Shri Nandji Singh. A letter was also sent by Sri S. Shiv Kumar, Principal Secretary to Chairman, Bihar School Examination Committee to provide the verification report of the marks certificate of the Nandji Singh of the year 1974 to the Respondent Management. Further, vide letter dated 16/04/2013, Dy, Secretary, Surveillance, Bihar School Examination Committee communicated to the Manager, (Law And Tax) the verification report, that contains theRoll Code 7310 Sr. no. 172 is/was not used in the Annual examination of year, 1974. Further, it is also mentioned that the certificate cell informed that secondary certificate number 178093 dated 8th February, 2002 related to the concerned student enclosed with the letter, is not issued from the committee/Board office. To prove the above stated verification reports of Bihar School Examination Committee/Board, Patna, Shri Sachendra Kumar, Court Witness No.2 was examined who deposed that he is working as examination controller, Bihar Sanskrit Shiksha Board. Prior to it, he was working as Dy. Secretary Bihar School Examination Board, and pursuant to direction of the tribunal, he is producing the original tabulation register of 1974 Annual Examination which was kept in sealed cover and opened in the court. Witness, states that, the said register Ex. C-1, Ex. C-1/A is the relevant entry relating to TP High School Sahar, Bhojpur, containing 2 pages vide register Page Nos.1471 and 1472 relating to Roll No. 4335 and Roll No. 145 to 160. Ex. C-1/b is the entry against the roll code 4335. Further, witness deposed that he is producing the original tabulation register of 1980 Annual Examination which was kept in sealed cover and opened up in the court. Same is marked as Ex. C-2 and Ex. C-2/A is the relevant entry Roll Code No. 7310 from Roll No. 161 to 173 of examination Centre, SSHS, Jagdishpur, Bhojpur and the register page no. is 3768, Ex. C-2/B is the relevant roll No. 172. The petitioner counsel cross examined the witness and in cross examination witness states that, there's no roll code register but the roll code is entered in the tabulation register itself. The witness denied the suggestions that the record which he has produced does not relate to the TP High School Sahar of the year 1974. Thus, in the cross examination, nothing has been elicited to discredit the testimony of the witness. The perusal of the documents marked as Ex. C-1 and Ex. C-1/A goes to reveal that, in the year 1974, there was no roll code of 7310 and Serial No. 172 as the petitioner claimed to have passed examination of Secondary Examination from Thakur Pathak Unchhangal School Sahar, in the year 1974 with this Roll code Serial No.172. Therefore the educational qualification certificate Ex.W9 submitted by the petitioner in support of his eligibility, educational qualification for obtaining the appointment employment, in the respondent company has not been proved to be issued by the competent authority i.e., Bihar Pariksha Samithi as the petitioner claims. In view of the aforesaid discussed verification report, certificate Ex.W9 is proved forged document. However, the Petitioner failed to show that the said verification report obtained by Respondent Management from concerned authority are not reliable and no evidence has been adduced by Petitioner to contradict the same. Therefore, aforesaid verification report and correspondence pertaining to verification of Ex.W9 filed by Respondent, proved the fact that certificate Ex.W9 filed by Petitioner is not genuine one. Thus, the Ex. W9 is proved to be a forged and false certificate which has been submitted by the petitioner for obtaining the employment in the respondent company.

18. Moreover, respondent has examined witness MW1 Sri NP Rao, who had conducted the inquiry against the petitioner in the year 1983-84 pertaining to the false experience certificate submitted by the petitioner at the time of his appointment and in his statement witness has declined the allegation of the petitioner regarding submission of the original educational qualification certificate to him. The witness states that original educational qualification certificate were not produced before him at any point of time and no reference of original educational qualification certificate was in first inquiry pertaining to past experience certificate of the petitioner. This witness was cross examined by the petitioner representative but nothing has been elicited to contradict the witness in cross examination and to discredit his testimony.

19. Thus, the allegation of Petitioner that he had submitted his original certificate to Sri N.P. Rao at the time of previous enquiry in the year 1983-84 is not found to be true. Further, the witness Shri Sachindra Kumar, the then Dy. Director, Bihar School Examination Board has proved that the educational qualification certificate Ex. W9 was not issued by the board or office. He has also proved the documents pertaining to the relevant entry relating to TP High School Sahar, Bhojpur which contains the details of the Roll Code of the annual examination in the year 1974, which contradict and disprove the claim of the petitioner that he has passed the annual examination from TP High School, Bhojpur in the year 1974. Further, the witness Sri S. Narsinga Rao was examined as RW3, who was Sr. Manager, Vigilance of respondent company, who has conducted enquiry for verification report of the educational certificate Ex. W9, and in his deposition he has proved all the communication letters made by him in this respect to the concerned authorities which has been marked as Ex. M17 to M32. This witness was also cross examined by the petitioner counsel but nothing has been elicited in his cross examination to discredit the testimony of the witness. Petitioner failed to disprove these aforesaid documentary evidence filed by the Respondent Management. Thus, from the fore gone discussion and evidence filed on record, this is irresistible conclusion that the educational qualification certificate Ex. W9 filed by the petitioner as an eligibility qualification for obtaining the employment in the respondent company is not genuine and it is forged and false certificate.

This point is answered accordingly.

20. Point No.II: This point pertains to the question whether the action of the Respondent management in terminating the petitioner from service vide order dated 12.12.2002 is illegal and liable to be set aside. In view of the discussion and finding given in the determination of Point No.I, it is conclusively established that the petitioner has submitted forged and false educational certificate to obtain the employment in the respondent company. Thus, the petitioner has committed gross and serious misconduct by filing the forged and false educational qualification certificate Ex. W9 to obtain the employment. It would not be out of place to mention here that for the post of Crane Operator 'A', there was a requisite qualification of Metric Pass candidate with certain amount of the experience, and the experience certificate submitted by the petitioner was also found doubtful for which the enquiry for verification of the experience certificate was conducted against the delinquent in the year 1983-84 and in that inquiry his experience certificate was also found forged and false. For that misconduct he was inflicted with the punishment of stoppage of 2 increments with cumulative effect. Further, on receiving the complaint regarding his false and forged educational certificate the inquiry was conducted again and in that inquiry, he was found guilty of misconduct again for submitting the forged and false educational qualification certificate Ex. W9 and he has been inflicted by Respondent Management the punishment of dismissal from the service for his gross misconduct. Thus, he was found habitual of committing misconduct. Further, the record of the inquiry proceedings also goes to reveal that during the inquiry proceeding he misbehaved with the inquiry officers and official of the respondent management and threatened and intimidated to the officials with dire consequences and also tried to destroy the original documents of his educational qualification and snatched away the documents from the record and for the misconduct another inquiry was instituted against the petitioner. The respondent management repeatedly directed him to submit his original document pertaining to his qualification by issuing various notices but he did not comply the same. Therefore, keeping in view the Petitioner 's recalcitrant delinquency, behavior and gross misconduct of submitting false and forged educational qualification certificate for obtaining the job, Disciplinary Authority has passed the order of dismissal of the petitioner from the service and the impugned order of dismissal passed by Respondent Management is legal and justified. In such circumstances as present in the matter, any reasonable employer would not have tolerated such behaviour and gross misconduct of his employee and he would have also passed the order of dismissal from service of such employee.

In this context the reference of the decision of Hon'ble Apex Court **M/s Indian Oil Corporation Ltd vs Shri Rajender D. Halmalkar, Civil Appeal 2911 of 2022, dated April 21st, 2022**, is relevant, wherein Hon'ble Apex Court have held :-

"***In the present case, the original writ petitioner was dismissed from service by the Disciplinary Authority for producing the fabricated/fake/forged SSLC. Producing the false/fake certificate is a grave misconduct. The question is one of a TRUST. How can an employee who has produced a fake and forged marksheet/certificate, that too, at the initial stage of appointment be trusted by the employer? Whether such a certificate was material or not and/or had any bearing on the employment or not is immaterial. The question is not of having an intention or mens rea. The question is producing the fake/forged certificate. Therefore, in our view, the Disciplinary Authority was justified in imposing the punishment of dismissal from service.***'

Further, Hon'ble Apex Court have cited the reference of decision in the case of **Lucknow Kshetriya Gramin Bank (Now Allahabad, Uttar Pradesh Gramin Bank) v. Rajendra Singh, (2013) 12 SCC 372, in paragraph 19**, wherein it has been observed:-

19. The principles discussed above can be summed up and summarized as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority. Only in cases where such penalty is found to be shocking to the conscience of the court.

19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the "disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two. not only in respect of nature of charge but subsequent conduct as well after the service of charge- sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology. lesser punishment to him would be justifiable."

Thus, in view of the foregone discussion of documentary and oral evidence of both the parties and law laid down by the Hon'ble Apex Court as discussed above, I am of the considerate view that the action of the respondent management in dismissing the services of the petitioner was legal and justified and the impugned order of dismissal is not liable to be set aside.

Thus, Point No.II is answered accordingly.

21. Point No.III: In view of the discussion and finding given in the Points No.I and II and also law laid down by the Hon'ble Apex Court as discussed in fore gone paragraphs, I comes to irresistible conclusion that petitioner is not entitled to any relief and the petition is liable to be dismissed.

Thus, Point No.III is answered accordingly.

Result:

The action of the respondent management in dismissing the services of the petitioner Sri Nandji Singh vide proceeding number MDN/PPD/PF-3765/2002 dated 12/12/2002 is held legal and justified and hence claim petition stands dismissed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 13th day of October, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri Nandji Singh	MW1: Sri N.P. Rao
	MW2: Sri S. Surin
	MW3: Sri S. Narsinga Rao

Witnesses examined by Court

CW1: Sri Ashutos Kumar

CW2: Sri Sachindra Kumar

Documents marked for the Petitioner

Ex.W1:	Photostat copy of representation by Petitioner to Respondent for original certificate dt. 16.4.1986
Ex.W2:	Photostat copy of office note by Sr. Manager of WW1, reg.Ex.W1 dt.12.5.1986
Ex.W3:	Photostat copy of FIR No.687 dt. 16.11.2002
Ex.W4:	Photostat copy

Ex.W5: Photostat copy of representation by Petitioner to Respondent for reinstatement dt. 3.11.2003

Ex.W6: Photostat copy

Ex.W7: Photostat copies bunch of representations by regd. Trade union for reinstatement of Petitioner

Ex.W8: Cash receipt dt.7.2.2012

Ex.W9: Memorandum of Marks

Ex.W10: Photostat copy of legal notice dt. 6.5.2002 along with postal acknowledgement

Ex.W11: Photostat copy of representation of WW1 to Central Vigilance Commission against Respondent dt.26.2.2004

Ex.W12: Photostat copy of representation of WW1 to Respondent for reinstatement

Ex.W13: Photostat copy of request and appeal by WW1 to Respondent dt.28.10.2003

Ex.W14: Photostat copy of lr. issued by union to Respondent dt.5.5.2004

Ex.W15: Photostat copy of another lr. issued by the union to Respondent dt. 2.6.2004

Ex.W16: Photostat copy of representation by union to Management dt. 5.1.2004

Ex.W17: Photostat copy of representation by union to Management dt. 21.11.2003

Ex.W18: Photostat copy of representation by union to Management dt. 3.11.2003

Ex.W19: Photostat copy of representation by union to Chairman and Member of Parliament Standing Committee on Defence dt. 16.5.2003

Ex.W20: Photostat copy of lr. by union to the C & MD, MIDHANI dt. 9.12.2002

Ex.W21: Photostat copy of lr. by union to the Management dt. 3.9.2002

Ex.W22: Photostat copy of lr. by union to JS, M/s Defence dt. 17.3.2003

Ex.W23: Photostat copy of application form of Petitioner along with lr. of appointment dt. 23.8.1980

Ex.W24: Photostat copy of lr. issued by the School authorities to the Management dt.20.5.2002

Ex.W25: Photostat copy of another lr. issued by school authorities to the Management dt. 22.2.1984

Ex.W26: Photostat copy of another lr. issued by school authorities to the Management dt. 22.12.2002

Ex.W27: Photostat copy of another lr. issued by school authorities to the Management dt. 28.12.2002

Ex.W28: Photostat copy of lr. hand written by Enquiry Officer Mr. Suresh Tamboli

Ex.W29: Photostat copy of representation of WW1 to the Personnel Manager for payment of subsistence allowance dt. 6.11.2002

Ex.W30: Photostat copy of reminder sent by WW1 for payment of salary to the Manager Personnel and by Fax dt. 18.11.2002

Ex.W31: Photostat copy of consisting 4 pay slips issued by the Management for the months of August to November, 2002

Ex.W32: Photostat copy of medical certificate dt. 27.8.2002

Ex.W33: Photostat copy of enquiry proceeding

Ex.W34: Photostat copy of notice by Sri MHS Babu to Sri N P Rao

Ex.W35: Photostat copy of lr issued by Bihar School Examination Board

Ex.W36: Photostat copy of lr issued by Bihar School Examination Board

Ex.W37: Photostat copy of lr issued by Bihar School Examination Board

Ex.W38: Photostat copy of lr. dt.11.6.2014

Documents marked for the Respondent

Ex.M1: Photostat copy of lr. from Poddar Projects Limited to Manager (Pers), Midhani dt. 16.11.1983

Ex.M2: Photostat copy of Lr., from Poddar Projects dt.25.5.1983

Ex.M3: Photostat copy of Lr. from RG Foundry Ltd to Manager (Personnel) midhani dt. 6.5.1983

Ex.M4: Photostat copy of lr. from Mudrika Mishra, HM, Ucch Vidyalaya Sahar, Bhojpur to Sr. Mgr. (Pers & I.E.,) Midhani dt. 24.8.2001

Ex.M5: Photostat copy of lr. from Mudrika Mishra, HM, Ucch Vidyalaya Sahar, Bhojpur to Sr. Mgr. (Pers & I.E.,) Midhani dt. 11.9.2001

Ex.M6: Photostat copy of lr. from Manager (Per) Midhani to Petitioner dt. 31.8.2001

Ex.M7: Photostat copy of lr. from Respondent to Petitioner dt. 17.9.2001

Ex.M8: Photostat copy of lr. from Respondent to HM, Thakur Pathak Ucchangal Vidyalaya dt.16.8.2001

Ex.M9: Photostat copy of lr from HM to Midhani dt.24.8.2001

Ex.M10: Photostat copy of lr. from Respondent to Sri Mudrika Mishra, HM, Uccha Vidyalaya Sahar, Bhojpur dt. 6.9.2001

Ex.M11: Photostat copy of lr. from Mudrika Mishra, HM, Ucch Vidyalaya Sahar, Bhojpur to Sr. Mgr. (Pers & I.E.,) Midhani dt. 11.9.2001

Ex.M12: Photostat copy of charge sheet to Petitioner dt.4.3.2002

Ex.M13: Photostat copy of reply to charge sheet by Petitioner dt.9.3.2002

Ex.M14: Photostat copy of lr. of appointment of Enquiry Officer & Enquiry Officer's lr. to Petitioner dt.18.3.2002

Ex.M15: Photostat copy of lr. from HM, Ucch Vidyalaya Sahar, Bhojpur to Midhani dt. 20.5.2002

Ex.M16: Photostat copy of HM, Ucch Vidyalaya Sahar, Bhojpur to Midhani dt.16.12.2002

Ex.M17: Photostat copy of lr. Respondent to Secretary Bihar Vidyalay Pariksha Samithi, Patna dt. 14.3.2012

Ex.M18: Photostat copy of lr. Respondent to Secretary Bihar Vidyalay Pariksha Samithi, Patna dt.27.4.2012

Ex.M19: Photostat copy of lr. Respondent to Secretary Bihar Vidyalay Pariksha Samithi, Patna dt.28.5.2012

Ex.M20: Photostat copy of lr. Respondent to Secretary Bihar Vidyalay Pariksha Samithi, Patna dt.28.5.2012

Ex.M21: Photostat copy of lr. from Pr. Secretary, Ed. Department.Govt. of Bihar dt.8.8.2012

Ex.M22: Photostat copy of lr.from UP Sachvani Original lr. No.F10 , 4089 by Bihar Vidyalaya Pariksha Samithi, Patna, reply to Midhani dt. 21.8.2012

Ex.M23: Photostat copy of lr. from Respondent to Secretary Bihar Vidyalaya Pariksha Samithi, Govt. of Bihar, Patna dt. 14.9.2012

Ex.M24: Photostat copy of lr. from Midhani to Secretary Bihar Vidyalaya Pariksha Samithi, Govt. of Bihar, Patna dt. 16.10.2012

Ex.M25: Office copy of lr. from Midhani to Secretary Bihar Vidyalaya Pariksha Samithi, Govt. of Bihar, Patna dt. 19.11.2012

Ex.M26: Photostat copy of lr. No.5819, Dy. Secy (Surveillance) Bihar School Examination Board, Patna to Midhani dt. 13.12.2002

Ex.M27: Photostat copy of lr. of Respondent to Dy. Secy(Nigrani) Bharati Vidya Pariksha Samithi, Govt of Bihar, Patna office dt. 16.1.2013

Ex.M28: Photostat copy of lr. from Midhan to Pr. Secy, Higher Edcuation Govt. of Bihar, Secretariat, Patna dt. 28.6.2012

Ex.M29: Photostat copy of lr from Midhani to Secy. Bihar Vidyalaya Pariksha Samithi , Patna dt. 11.3.2013

Ex.M30: Photostat copy of lr from Bihar Vidyalaya Pariksha Samiti dt.16.4.2013

Ex.M31: Air ticket and hotel receipt of S. Narsing Rao, Sr. Vigi, Midhania to Patna dt. 8.8.12

Ex.M32: Air Ticket and travel ticket of S. Narsing Rao Sr. Vigilance, Midhani to Patna dt. 12.3.2013

Ex.M33: Photostat copy of TC undated and which is Hindi

Documents marked by Court Witness

Ex.C1: Original Tabulation Register of 1974 Annual Examination

Ex.C-1/a:	Relevant entry relating to T.P. High School Sahar, Bhojpur containing two pages vide Register Page No.1471 and 1472; relating to Roll Code 4335 and Roll No.145 to 160
Ex.C-1/b:	Entry against Roll Code 4335
Ex.C2:	Original tabulation register of 1980 Annual examination
Ex.C-2/a:	Relevant entry, Roll Code No.7310; from Roll No.161 to 173 of Examination centre SSHS Jagadishpur, Bhojpur and the register page No.3768
Ex.C-2/b:	Relevant page to Roll No.172

नई दिल्ली, 1 मार्च, 2024

का.आ. 450.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **श्री सुरेशचन्द** के प्रबंधतंत्र के संबद्ध नियोजकों **और प्रबंधकए हरीओम मार्मो ग्रेनी प्राइवेट लिमिटेड** के बीच अनुबंध में निर्दिष्ट **औद्योगिक अधिकरण एवं श्रम न्यायालय, उदयपुर, पंचाट (रिफरेन्स न.- 08/2015)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं.- जेड-16025/04/2024- आईआर(एम)-4]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 450.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 08/2015)** of the **Industrial Tribunal cum Labour Court, Udaipur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Manager, Hari Om Marmo Grani Pvt. Ltd.** and **Shri Suresh Chand** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. Z-16025/04/2024-IR(M)-4]

DILIP KUMAR, Under Secy.

अनुलग्नक

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राजस्थान)

पीठासीन अधिकारी —— श्री शिव कुमार शर्मा (जिला न्यायाधीश संवर्ग)

प्रकरण संख्या 08/2015 I.T.R.(C)

श्री सुरेशचन्द पुत्र श्री छीतरमल जी सावरिया(सेन) उम्र 58 वर्ष, निवासी आजाद मौहल्ला, सांगानेर, भीलवाडा

——— प्रार्थी

विरूद्ध

प्रबंधक हरीओम मार्मो ग्रेनी प्रा. लि. आदित्य प्लाजा प्रथम तल हीरो होण्डा शोरूम मेन रोड ऋषभदेव जिला उदयपुर

——— विपक्षी

उपस्थित :—

प्रार्थी की और से :— श्री सुभाष श्रीमाली, प्रतिनिधि

विपक्षी की और से :— श्री राजेश खन्ना, अधिवक्ता

:: **पंचाट** :: दिनांक 22 दिसम्बर, 2023

प्रार्थी सुरेशचन्द द्वारा अपनी सेवा मुक्ति बाबत् सर्वप्रथम शिकायत प्रार्थना पत्र क्षैत्रीय श्रम आयुक्त (केन्द्रीय) अजमेर के यहां दिनांक 15.07.2014 को प्रस्तुत किया था, जिन्होंने अपने पत्र क्रमांक AJ-5(74)/2014-ALC दिनांक 08.01.2015 द्वारा असफल वार्ता प्रतिवेदन The Secretary (Desk Officer) New Delhi को प्रेषित कर दिया, लेकिन काफी समय व्यतीत हो जाने के बावजूद भी भारत सरकार के श्रम विभाग नई दिल्ली से रेफरेन्स प्राप्त न होने पर प्रार्थी द्वारा यह क्लेम पेश किया है जिस पर न्यायालय द्वारा प्रकरण दर्ज रजिस्टर किया गया एवं विपक्षी को नोटिस जारी किये गये।

प्रार्थी की और से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि प्रार्थी की नियुक्ति विपक्षी नियोजन में दिनांक 01.05.2009 को इलेक्ट्रीशियन मे पद पर 8000/– रूपये प्रतिमाह पर माइन्स मसारो की ओवरी ऋषभदेव में हुई। प्रार्थी की नियुक्ति दिनांक से सेवाए सदैव संताषप्रद रही तथा कभी भी किसी प्रकार का कदाचरण का आरोप नही रहा। जिससे प्रार्थी के वेतन में समय समय पर बढोतरी की जाती रही तथा प्रार्थी का अंतिम वेतन 16000/– प्रतिमाह था। प्रार्थी को दिनांक 11.05.2014 को बिना पूर्व सूचना दिये , बिना अनुशासनात्मक कार्यवाही किये, बिना क्षतिपूर्ति प्रदान किये सेवा से पृथक कर दिया जो औद्योगिक विवाद अधिनियम की धारा 25 एफ के विरूद्ध होने से प्रार्थी की सेवा मुक्ति अवैध शून्य है। प्रार्थी को दिनांक 01.12.2013 से 11.05.2014 तक का कार्य का वेतन भी विपक्षी द्वारा नही दिया गया। प्रार्थी को ड्यूटी पर नही लेने पर विपक्षी के विरूद्ध प्रार्थना पत्र दिनांक 15.07.2014 को श्रम प्रर्वतन एवं समझौता अधिकारी श्रम विभाग (केन्द्रीय) उदयपुर को प्रस्तुत किया जिसे श्रम आयुक्त (केन्द्रीय) अजमेर को प्रेषित की गई जहा से विपक्षी को वार्ता हेतु विभिन्न तारीखों पर बुलवाया गया। प्रार्थी ने विपक्षी के यहा निरंतर प्रत्येक कलेण्डर वर्ष में 240 दिन से भी अधिक समय तक कार्य किया है। इस प्रकार अवैध सेवा मुक्ति के कारण प्रार्थी बेरोजगार हो गया है तथा उसके परिवार वालो को भूखे मरने की स्थिती आ गई है। प्रार्थी के बाद आने वाले श्रमिक आज भी विपक्षी के नियोजन में कार्यरत है जिसमें भी फस्ट कम लास्ट गो वाले सिद्धांत के विरूद्ध होने से प्रार्थी की सेवामुक्ति अवैध व शून्य है। प्रार्थी ने दिनांक 11.05.2014 से ही निरंतर वेतन वरीयता एवं अन्य लाभो सहित ड्यूटी पर लिये जाने का आदेश प्रदान करने की प्रार्थना की।

हस्तगत मामले में विपक्षी की तामिल होने के बावजूद उपस्थित नही होने पर दिनांक 14.07.2015 को कार्यवाही एक पक्षीय अमल में लाये जाने का आदेश किया गया। दिनांक 16.09.2015 को विपक्षी द्वारा प्रार्थना पत्र वास्ते समाप्त करने एक पक्षीय कार्यवाही का प्रस्तुत कर अप्रार्थी को सुनवाई का अवसर प्रदान करने की प्रार्थना की। जिस पर अप्रार्थी द्वारा जवाब प्रस्तुत किया गया।

विपक्षी ने अपने जबाब में प्रार्थी के प्रार्थना पत्र के तथ्यो को अस्वीकार करते हुए यह अंकित किया है कि प्रार्थी कभी भी विपक्षी के यहा नियोजन में रहा ही नही तो प्रार्थी की मांगे स्वीकार्य नही है । विपक्षी ने अपने मे यह भी अंकित किया है कि प्रार्थी ने दिनांक 01.12.2013 से 11.05.2014 तक का वेतन बाबत् प्राधिकारी वेतन भुगतान अधिनियम अजमेर के समक्ष प्रकरण संख्या 9/2013 सुरेश चन्द बनाम मैसर्स हरिओम मार्मो ग्रेनी प्रा. लि. का अन्तर्गत धारा 15(2) वेतन भुगतान अधिनियम का प्रस्तुत कर रखा है। अप्रार्थी ने अपने जवाब के अतिरिक्त अभिकथन में अंकित किया है कि प्रार्थी ने जो स्टेटमेन्ट ऑफ क्लेम प्रस्तुत किया है वह क्लेम प्रार्थी के प्राधिकारी वेतन भुगतान अधिनियम अजमेर के प्रार्थना पत्र अन्तर्गत धारा 15(2) वेतन मजदूरी भुगतान अधिनियम के विरूद्ध व तथ्यों की भिन्नता से प्रस्तुत किया है जो कानूनन विधि विरूद्ध होने निरस्तनीय है। प्रार्थी एक अनुतोष दो न्यायालयों से प्राप्त नही कर सकता है। प्रार्थी ने प्राधिकारी वेतन भुगतान अधिनियम अजमेर के समक्ष प्रार्थना पत्र प्रस्तुत करके अप्रार्थी से उसके संस्थान के हाजरी व वेतन रजिस्टर तलब किये थे जो अप्रार्थी संस्थान ने प्रस्तुत कर दिये और उन रजिस्ट्ररों में भी प्रार्थी का कही काई नाम नही है। अतः प्रार्थी का स्टेटमेंट ऑफ क्लेम को मय विशेष हर्जे खर्चे के निरस्त करने की प्रार्थना की।

प्रार्थी की और से अपने क्लेम के समर्थन में AW1 स्वयं का एवं AW2 जीवा का शपथ पत्र प्रस्तुत किया जिस पर विपक्षी अधिवक्ता ने जिरह की व दस्तावेज प्रदर्श 1 लगायत 8 प्रदर्शित कराये गये व विपक्षी की और से DW1 जितेन्द्र शर्मा व DW2 मनीष कुमार का शपथ पत्र पेश हुआ जिनसे प्रार्थी अधिवक्ता ने जिरह की व दस्तावेज प्रदर्श एम1 लगायत एम7 प्रदर्शित कराये गये।

बहस सुनी गई। दोनो पक्षो के अधिवक्तागण ने वही तथ्य दोहराये जो स्टेटमेंट ऑफ क्लेम एवं जवाब में है। अपने तर्को के समर्थन में प्रार्थी की और से निम्नांकित न्यायिक दृष्टान्त पेश किये गये है –

(1) 2005(3) WLC(Raj) P.430 Manager M/S Mittal Steel Manufacturing Company v/s Chotha Ram & Anrs.

(2) 2015(2) WLC(Raj) P.458 Ram Lal Vs The Judge Labour Court Cum Industria Tribunal Ajmer And M/S Shree Rajasthan Iron Foundry, Pushkar Road Ajmer, Through its Manager

(3) RLR1999(1) P-250 Dy. Chief Life Warden,Bharatpur V/s Judge, Labour Court, Bharatpur

(4) RLR1999(1) P-251 Jaipur Develpoement Authority V/s Suresh Chand

अपने तर्कों के समर्थन में विपक्षी की ओर से निम्नलिखित न्यायिक दृष्टान्त पेश किये गये है–

(1) AIR 2002(SC) 1147 Range Forest Officer and another v S.T.Hadimani

(2) RLR 1986 P-690 Hukma & Ors v Smt. Narendra Kanwar & Ors.

(3) AIR 2011(SC) 1193 State of Rajasthan V Daya Lal

प्रस्तुत न्यायिक दृष्टान्तों से मार्गदर्शन पाया। पत्रावली का गहनता से अवलोकन किया गया।

हस्तगत मामले में प्रार्थी गवाह A.W.1 ने अपने साक्ष्य में कहा है कि प्रार्थी को 8 हजार रूपये प्रतिमाह वेतन मिलता था इस बाबत एलईओ की रिपोर्ट है और 16 हजार प्रतिमाह के वेतन होने को कोई दस्तावेज नही हे। प्रार्थी ने रिपोर्ट प्रदर्श 6 प्रदर्शित कराई है। प्रार्थी ने अपनी साक्ष्य में कहा है कि प्रार्थी ने विपक्षी के यहा दिनांक 01.05.2005 से 11.05.2014 तक लगातार काम किया है। मैनेजर रामलाल ने प्रार्थी को दिनांक 11.05.2014 को काम पर उपस्थित होने से मना कर दिया और गेट बन्द कर दिया। गवाह A.W.1 का कहना रहा कि फेक्ट्री में जितने भी मजदूर या श्रमिक कार्यरत है उनकी प्रत्येक दिन हाजिरी होती है। गवाह A.W.1 ने प्रदर्श एम1 को देखकर सहमति दी की हाजिरी ऐसी ही होती है। गवाह में

प्रार्थी का कहना है कि प्रदर्श एम 1 में प्रार्थी का नाम नही है परन्तु उसके साथ वालो का नाम है। प्रार्थी का यह भी कहना रहा कि किसी भी मजदूर या श्रमिक का पहचान पत्र नही बना है केवल हाजिरी कार्ड बनता है जो महिने के अन्त में संस्थान द्वारा जमा कर लिया जाता है और कर्मचारी को वेतन , वेतन रजिस्टर में हस्ताक्षर करवाकर दिया जाता है। प्रदर्श एम 2 को देखकर गवाह A.W.1 ने कहा कि यही वेतन रजिस्टर है फिर कहा कि प्रदर्श एम 2 पी.एफ. का रजिस्टर है। प्रार्थी गवाह A.W.1 कहना है कि प्रार्थी अप्रार्थी संस्थान हरिओम मार्मो मसारो की ओवरी ऋषभदेव में माईन्स में इलेक्ट्रीशियन का काम करता था। गवाह A.W.1 कहना है कि प्रदर्श 4 जोब कार्ड है प्रदर्श 4 में ए से बी व सी से डी प्रार्थी का नाम लिखा हे, प्रदर्श 5 में भी ए से बी प्रार्थी का नाम लिखा है। प्रार्थी ने प्रदर्श 4 व 5 के बीच की अवधि के जोब कार्ड होने से इंकार किया है। गवाह ने स्वीकार किया है कि उसने लेबर कमिश्नर पेमेन्ट ऑफ वेजेज एक्ट, अजमेर के समक्ष भी बकाया वेतन का दावा कर रखा है और यह भी स्वीकार किया कि प्रार्थी ने प्रदर्श 6 दस्तावेज लेबर कमिश्नर अजमेर व इस न्यायालय में दावा पेश करने के बाद ली है। प्रार्थी के गवाह A.W.2 श्री जीवा का ने अपने बयानो में कहा है कि दोनो ने विपक्षी फर्म में काम करने का कोई दस्तावेज प्रस्तुत नही किया है। साथ ही कहा है कि दोनो ने ही लैबर कमिश्नर अजमेर के यहा मजदूरी भुगतान अधिनियम के तहत दावा कर रखा है। गवाह A.W.2 ने प्रदर्श एम2 पर ए से बी हस्ताक्षर होना स्वीकार किया है । प्रदर्श एम 4 पर भी ए से बी स्थान पर अपना नाम लिखा होना स्वीकार किया है। विपक्षी की ओर से गवाह D.W.1 श्री जितेन्द्र शर्मा ने कहा कि वह अप्रार्थी संस्था में अकाउन्टस का काम करता है और मनीष जैन विपक्षी संस्थान में 2009 से ही मैनेजर है। गवाह D.W.1 ने सुरेश सेन को पहचानने व सुरेश सेन का रिकॉर्ड संस्था में देखने से इंकार किया है। गवाह D.W.1 ने संस्था में एक इलेक्ट्रीशियन प्रकाश को होना प्रकट किया है । गवाह D.W.1 ने सुरेश सेन का अजमेंर में प्राधिकारी वेतन भुगतान अधिनियम के यहा केस चलने एवं एक तरफा आदेश दिनांक 25.08.2014 होने की बात स्वीकार की है। यह भी स्वीकार किया है कि पी.एफ. ऑफिस के आयुक्त ने संस्थान के विरूद्ध राशि वसूल बाबत नोटिस निकाल रखा है जो प्रदर्श 8 है। गवाह D.W.1 ने जगपाल सुपरवाईजर होने से इंकार किया जबकि मांगीलाल जी व नानजी के ऑपरेटर होना स्वीकार किया है। साथ ही प्रदर्श 4 व 5 पर कम्पनी का नाम होना स्वीकार किया है। प्रदर्श 6 निरीक्षण होना एवं इस पर रामलाल मैनेजर के हस्ताक्षर होना स्वीकार किया है। गवाह D.W.1 ने प्रदर्श 8 में जो दस्तावेज एल ईओ से प्राप्त किये है वे प्रदर्श एम6 व एम7 होना बताया है। जगपाल के काम करने के बारे में गवाह D.W.1 ने बताया कि जगपाल स्टोर में काम करता होगा। विपक्षी के दूसरे गवाह D.W.2 श्री मनीष कुमार परचेज मैनेजर ने अपने साक्ष्य में प्रकट किया है कि वह वर्ष 2007–08 से विपक्षी संस्थान में परचेज मैनेजर के तौर पर कार्य कर रहा है और रात की शिफ्ट में जगपाल सिंह के हाजिरी भरने की बात कही है। गवाह D.W.2 ने माईन्स में मैनेजर होने से मना किया है साथ ही रामलाल को प्रोडक्शन कान्ट्रेक्टर होना बताया है एवं कहा कि रामलाल का प्रोडक्शन कान्ट्रेक्टर होने का कोई दस्तावेज पत्रावली पर पेश नही किया है। गवाह D.W.2 ने श्रम प्रवर्तन अधिकारी का दिनांक 26.04.12 के दस्तावेज में सुरेश चन्द्र का नाम गलत वर्णित कराना जाहिर किया है। यह भी स्वीकार किया है कि श्रमिको के महनताने मेसे काटे गये पीएफ की राशि पीएफ विभाग में जमा नही कराने के कारण अप्रार्थी से प्रार्थी के नाम से रिकवर हुई है।

इस मामले में प्रार्थी का कहना रहा है कि प्रार्थी को विपक्षी संस्थान द्वारा अवैध रूप से सेवा से पृथक किया गया है । साथ विपक्षी संस्थान का कहना रहा है कि प्रार्थी ने कभी विपक्षी संस्थान में काम किया ही नही है । प्रार्थी एवं विपक्षी संस्थान द्वारा प्रदर्शित कराये गये दस्तावेजात् एवं दोनेा पक्षो द्वारा कराये गई साक्ष्य के विवेचन से यह स्पष्ट होता है कि प्रार्थी ने विपक्षी कम्पनी में काम तो किया हे । प्रार्थी के साथ काम करने वाले कर्मचारी श्री जीवा जी ने अपने बयानों में स्पष्ट किया है कि सुरेश सेन विपक्षी के यहा उसके साथ काम करता था। साथ ही पीएफ विभाग द्वारा विपक्षी संस्थान को प्रार्थी की पीएफ नही काटने के संबंध में नाटिस दिया है, यह भी स्पष्ट करता है कि वक्त निरीक्षण प्रार्थी श्री सुरेश सेन विपक्षी संस्थान में कार्यरत था। प्रार्थी द्वारा प्रस्तुत दस्तावेज प्रदर्श 4 व 5 पर सुपरवाईजर जगपाल के संबंध में विपक्षी संस्थान के दोनो गवाहों मे विरोधाभास प्रकट होता है । गवाह D.W.1 का कहना है कि जगपाल संस्थान में काम ही नही करता जबकि गवाह D.W.2 का कहना है कि जगपाल सिंह रात कि शिफ्ट में हाजरी भरते थे। प्रदर्श.8 पत्र कर्मचारी भविष्य निधि संगठन से यह पूर्णतः प्रमाणित होता है कि प्रार्थी सुरेशचन्द्र, अप्रार्थी फर्म हरिओम मार्मों के नियोजन में रहा है।

उपरोक्त विवेचन के आधार पर यह न्यायालय इस मत का है कि प्रार्थी श्री सुरेश चन्द्र सेन विपक्षी संस्थान में कार्यरत था और प्रार्थी को सेवा से पृथक करना वैध नही है इसलिये इस अवैध सेवा मुक्ति के कारण विपक्षी संस्थान प्रार्थी को सेवा की निरन्तरता के साथ तीन माह की अवधि में पुनः सेवा में लेवे तथा यदि वह सेवा में होता तो जो लाभ प्राप्त करता वे सभी लाभ भी दिये जावे साथ ही विपक्षी प्रार्थी को सेवा पृथक किये जाने की दिनांक 11.05.2014 से पुनः सेवा में लिये जाने की तिथि तक पिछले वेतन के रूप में 50 प्रतिशत राशि का अधिकारी है।

अतः क्षैत्रीय श्रम आयुक्त (केन्द्रीय) अजमेर द्वारा प्रेषित प्रसंग ऐजे–

5(74)/2014–एएलसी दिनांक 08.01.2015 को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि– विपक्षी संस्थान प्रार्थी को सेवा की निरन्तरता के साथ तीन माह की अवधि में पुनः सेवा में लेवे तथा यदि वह सेवा में होता तो जो लाभ प्राप्त करता वे सभी लाभ भी दिये जावे साथ ही विपक्षी प्रार्थी को सेवा पृथक किये जाने की दिनांक 11.05.2014 से पुनः सेवा में लिये जाने की तिथि तक पिछले वेतन के रूप में 50 प्रतिशत राशि का भुगतान तीन माह की अवधि में करे, अन्यथा उक्त राशि पर आदेश की दिनांक से 7 प्रतिशत वार्षिक दर से ब्याज देय होगा।

पंचाट आज दिनांक 22 दिसम्बर, 2023 को खुले न्यायालय में लिखाया जाकर सुनाया गया ।

शिव कुमार शर्मा

नई दिल्ली, 1 मार्च, 2024

का.आ. 451.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **नेशनल इंस्टिट्यूट ऑफ़ रॉक मैकेनिक्स** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री टी वाई मोसेस इम्मानुएल** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर, पंचाट (रिफरेन्स न.- 19/2019)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं.- जेड-16025/04/2023- आईआर(एम)-73]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 451.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 19/2019)** of the **Central Government Industrial Tribunal cum Labour Court, Bangalore** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Institute of Rock Mechanics** and **Shri T Y Moses Immanuel** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. Z-16025/04/2023-IR(M)-73]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD

"Shram Sadan",
G G Palya, Tumkur Road,
Yeswanthpur, Bangalore – 560 022.

DATED : 22nd NOVEMBER 2023

PRESENT : **Shri IRFAN QAMAR**
Presiding Officer

I D No. 19/2019

I Party	**II Party**
T Y Moses Immanuel, S/o T K Yesudoss, Residing at No. 25, Band Line, Oorgaum Post, *K* G F -563 120	The Director, National Insitute of Rock Mechanics, Champion Reefs (PO), KOLAR GOLD FIELDS - 563 117.

Appearances

I Party : **Ms. Maiteryi Krishnan**
Advocate

II Party : **Sh. Sujayeendra S**
Advocate

1. The petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity 'the Act') by the 1st Party workman / former employee of the National Institute of Rock Mechanics who is dismissed from service vide order dated 19.07.2016 by the 2nd Party.

2. After Registering the matter notices were issued to parties who appeared. During the pendency of Industrial Dispute it was reported on 04.12.2020 the Applicant expired and his legal heirs are to be brought on record and filed an application under Section 11 of ID Act and Order XXII Rule 4 r/w Section 151 of CPC on 25.10.2022.

3. Perused the record, though sufficient opportunity was afforded to the counsel no steps were taken on behalf of the Petitioner in compliance of the Order dated 25.10.2022 for substitute of LR of the deceased Petitioner.

3. Therefore, in view of the above, the Petition dismissed for non-prosecution and non-compliance of the order. Transmit.

AWARD

The Petition is Dismissed for non-prosecution and non-compliance of the Order dated 25.10.2022

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 22nd November 2023)

IRFAN QAMAR, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 452.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स कालाबुर्गी सीमेंट प्राइवेट लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **कालाबुर्गी सीमेंट एम्प्लाइज एंड स्टाफ यूनियन** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बैंगलोर, पंचाट (रिफरेन्स न.- 08/2021)** को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023- आईआर(एम)-72]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 452.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 08/2021)** of the **Central Government Industrial Tribunal cum Labour Court, Bangalore** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Kalaburgi Cement Private Limited** and **Kalaburgi Cement Employees and Staff Union,** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. Z-16025/04/2023-IR(M)-72]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD

"Shram Sadan",

G G Palya, Tumkur Road,

Yeswanthpur, Bangalore – 560 022.

DATED : 22nd NOVEMBER 2023

PRESENT : **Shri IRFAN QAMAR**

Presiding Officer

C R No. 08/2021

I Party	**II Party**
The General Secretary,	The Unit Head,
Kalaburgi Cement Employees and Staff Union, Chatrasala Village, Chincholi taluk,	M/s. Kalaburgi Cement Private Limited, Chatrasala village, Chincholi Taluk,
KALABURGI – 585 320.	KALABURGI – 585 320.

Appearances

I Party : **Sh. Vikas Rajipura,** Advocate

II Party : **Self**

1. The Government of India, Ministry of Labour vide order No. L-29011/50/2021-IR(M) dated 08.11.2021 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as "The Act") (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

"Whether the dispute raised by Kalaburgi Cement Employees and Staff Union, Chatrasala, against the management of kalaburgi Cement Pvt. Ltd., Chatrasala, over transferring of workers who are office bearers of the said Union to the Mumbai & demands (as attached) is proper, legal and justified? If so, what relief the aggrieved workers are entitled to?"

2. After Registering the matter notices were issued to parties. Notices served upon both parties. Despite service of notice Petitioner did not turn up and not filed claim Statement. It appears he do not want to prosecute his claim. Hence, Petitioners claim is dismissed. No Claim Award is passed. Reference answered accordingly. Transmit.

AWARD

The Reference is answered accordingly. No Claim Award is passed.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 22nd November 2023)

IRFAN QAMAR, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 453.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **सेल, रिफ्रैक्टरी यूनिट बोकारो स्टील सिटी** के प्रबंधतंत्र के संबद्ध नियोजकों और **रिफ्रैक्टरी वर्कर्स यूनियन (इंटक)** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 66/2015 & 67/2015)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-26011/21/2015- आईआर(एम)]

[सं. एल-26011/19/2015- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 453.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 66/2015 & 67/2015)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **SAIL, Refractory Unit Bokaro Steel City** and **Refractory Workers Union (INTUC)** which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-26011/21/2015-IR(M)]

[No. L-26011/19/2015-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/66/2015

NO. CGIT/LC/R/67/2015

Present: P.K.Srivastava

H.J.S..(Retd)

1. **Case no. R/66/2015**

The General Secretary,

Refractory Workers Union (INTUC),

Mouhari Maroda, Post-Nevai,

Bhilai Nagar, Distt.

Durg (CG)-491107 **Workman**

Versus

The Executive Director,

SAIL, Refractory Unit Bokaro Steel City,

Sector-4, Indira Gandhi Marg,

Bokaro Steel City,

Jharkhand-827001 **Management**

&

2. **Case no. R/67/2015**

The General Secretary,

Refractory Workers Union (INTUC),

Mouhari Maroda, Post Nevai,

Bhailai Nagar, Durg (CG)-491101 **Workman**

Versus

The Executive Director,

SAIL Refractory Unit Bokaro Steel City,

Sector-4, Indira Gandhi Marg,

Bokaro Steel City, Jharkhand **Management**

AWARD

(Passed on this 9th day of February-2024.)

In case no. R/66/2015, The Government of India, Ministry of Labour & Employment, vide Letter No L-26011/21/2015-IR(M) dt.21/07/2015 has sent following reference for adjudication –

> **"Whether the discrimination caused by M/s SAIL (Steel Authority of India Ltd.) between the employees of SRU(SAIL Refractory Unit) and BSP(Bhilai Steel Plant, of SAIL) in the matter of grant of CCA (City Compensatory Allowance) & CA (Canteen Allowance) which are @ Rs. 75 & 22 (SRU) and Rs. 120 & 32 (BSP, SAIL) respectively are justified? If not, what relief the employees of SRU are entitled to obtain a parity in their CCA & CA?"**

In case no. R/67/2015, The Government of India, Ministry of Labour & Employment, vide Letter No L-26011/19/2015-IR(M) dt.21/07/2015 has sent following reference for adjudication –

> **"Whether the discrimination in fixation of wages by SAIL management in respect of employees of SRU upon merger is justified? If not so whether the employees of SRU be given parity in wages similar to SAIL employees?"**

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them. They appeared and filed their respective statements of claim and defence

Case of the applicant Workman union , in both the cases is mainly that the applicant workmen were the earlier employees of M/S Bharat Refractories Ltd (In short BRL) and at present, after amalgamation with Steel Authority of India Ltd, (In short SAIL) are presently the employees of Steel Authority of India posted at is Steel Authority of India Refractory Unit at Bhilai. The Steel Authority of India Ltd has now become the employers of the applicant Workman after amalgamation. The union, which is a duly registered, has been authorised to take up the case of the applicant Workmen and thus pursuing their cause. Further, according to the workman union, since the

Bharat refectory Ltd, which was a Government Company, incorporated under provisions of Companies Act 1956, became sick, it was referred to the Board for Industrial & Financial Reconstruction in August 1992, on erosion of its net worth due to losses over the years. On September 16, 2004 the Board of Industrial & Financial Reconstruction appointed State Bank of India as operating authority. Three revival packages were implemented in the year 1996, 1999 and 2002, but could not revive the company. Hence the Ministry of Steel, Government of India approved the amalgamation of Bharat Refractories Ltd with the Steel Authority of India Ltd wide its letter dated May 2, 2008 and permitted them to initiate process of amalgamation under section 396 of Companies Act. The management of Bharat Refractories Ltd and its workman union and entered into an agreement which resulted to signing of a Memorandum of Understanding on March 22, 2007. Both the parties agreed that the regular employees/officers will receive an amount of Rs. 10,000/- on May 1, 2008 towards wage revision. This amount would be adjusted in the arrears of pay in the wage revision. It is further, the case of the workman union that in pursuance of the Memorandum of Understanding, approval of the Central Government was sought by the management vide, letter dated May 1, 2007 for adopting the scale of pay as applicable with Memorandum of Understanding (in short MOU) with effect from July 1 1998. According to the Workman Union, when Actual payment was not made even after the agreed date by Bharat Refractories Limited that is on July 1, 2007, the Union made various representations and in response to the representations Ministry of Steel, Government of India informed vide its letter dated September 23, 2008 that upon amalgamation of Bharat Refractories Limited with Steel Authority of India, the service conditions of employees of Steel Authority of India would apply to the employees of Bharat Refectories Limited and all the employees of Bharat refectory Ltd would be absorbed in Steel Authority of India on equivalent the scales of pay scales prior to salary/ways revision effective on January 1 1996 in Steel Authority of India with protection of pay that is basic salary plus DA. Therefore, at present, it would not be possible to revise the pay scales of employees of BR L. That is Bharat refectories limited.

The Central Government approved the amalgamation wide its **notification dated July 28, 2009 published in official Gazette**. The notification further mentioned the following-

> **"1-The memorandum of understanding entered between the unions and management of BRL for the revision of wages with effect from 1997 should be made effective.**
>
> **2-The advance of Rs. 10,000 paid to the employees after transfer our company in pursuance of the above wage agreement should not be recovered from them."**

According to the Workman Union, the clause IX of the Gazette notification approving the amalgamation, provides that on the date immediately preceding the effective date of merger, all staff, workmen or employees in the service of transferor company that is BRL shall become employees of the transferee company that is, Steel Authority of India Ltd. This notification further provided that in order to bring uniformity, the employees of transferor company shall be absorbed in SAIL and pay scales prior to salary/ways revision effective from January 1 1997 in the transferee company with protection of pay that is Basic wages plus Dearness Allowance and while doing so, care would be taken not to disturb both the transferee company's and transferor company's internal seniority. According to the notification, the **appointed date from which the amalgamation was made effective was April 01, 2007**. Thus, according to the Workman Union, the workmen of the transferor company are entitled to the revision of pay scales from July 1 1998 and Actual payment from July 1, 2007 as per the Memorandum of Understanding reached the at between the workman union and management of the BR L on date March 22, 2007. Their this claim has been rejected by the management of transferee company that is Steel Authority of India in violation of the Memorandum of Understanding as mentioned above, which is against law.

The workman union has further alleged that apart from the grant of wage revision to the workmen/employees the benefits under the service conditions which were available to the employees of a Steel Authority of India Ltd was not granted to the employees of transferor company that is being are at par with the employees of Steel Authority of India Ltd who are provided, City Compensatory Allowance and Canteen Allowance which they are entitled to in the light of merger notification. Accordingly, the workman union has prayed that their members be held entitled to the difference in arrears in City Compensatory Allowance and Canteen Allowance with effect from July 1, 2007. That is the appointed date of amalgamation with interest.

The case of management in brief, as taken in their written statement of defense, in both the cases, is mainly that the erstwhile Bharat Refractories Limited, owned by Government of India, has four plants in the states of Chhattisgarh and Jharkhand with its headquarter at Bhilai Steel City. The merger was in accordance with the Gazette notification number 1175 of July 28, 2009, issued by Ministry of Corporate Affairs, Government of India. It is evident from Scheme of Amalgamation prepared and approved by the Ministry of Steel that issue regarding implementation of Memorandum of Understanding dated March 22, 2007, reached at between the employees of the BRL and it's management was raised at the but was not accepted in the Scheme of Amalgamation, approved by Ministry and clause IX of the Gazette Notification issued by Ministry of Corporate Affairs, granting the final seal of approval dated July 28, 2009 by which the merger became final and effective, has been followed in letter and spirit and has been complied including non recovery of Rs 10,000/- as a goodwill gesture. According to management, the approved Scheme of Amalgamation dated July 20, 2009 contains no direction to transferee

company to implement wage revision with effect from July 1, 1997. The management has further taken a case that there is no vested right in the applicant Workmen to demand the same from the transferee company from that date. Further, according to management, this claim of workman union is also barred by res judicata and this Tribunal lacks jurisdiction to entertain this reference.

According to management, the claim of the workman union regarding City Compensatory Allowance and canteen allowance at par with the employees of Steel Authority of India Ltd cannot be accepted because as per amalgamation notification, the employees of the transferor company ie; BRL are governed by the same terms and conditions of service as the employees of Steel Authority of India ie; the transferee company with effect from appointed date that is April 1, 2007. According to the management, all the terms and conditions of service of Steel Authority of India Ltd have been extended to the employees of BRL from the date of merger like any other unit of the transferee company and there is no discrimination whatsoever with regard to wages.

Further, it is the case of the management that in SRU Bhilai plant, the employees were entitled to Canteen Allowance at the rate of Rs. 245/- per month prior to merger. As per National Joint Committee for Steel (in short NJCS) and agreement signed on April 29 2010, an additional amount of Rs. 12 per attendance is admissible as Canteen Allowance in all units of Steel Authority of India, over and above what was being paid prior to revision the benefits. As regards the Canteen Allowance flowing to employees from NJCS dated April 29, 2010 have also been allowed to SRU Bhilai employees like any other unit of the Steel Authority of India Ltd. Accordingly, according to management, in addition to monthly amount of Rs 245/- being paid earlier in SRU, an additional amount of Rs. 12/- per attendance have been allowed in SRU Bhilai, like any other unit of Steel Authority of India Ltd. Hence, Canteen Allowance to the employees of SRU Bhilai is already being paid and under no circumstances can be equated with Bhilai Steel Plant , which is a separate unit of Steel Authority of India Ltd, having distinct background.

Accordingly, management has prayed that the references be answered against the workman union.

The workman union has filed rejoinder in both the cases in which it has mainly reiterated its case.

The workman union and management both have examined its witnesses who have been cross examined.

Both the sides have filed a bunch of documents, to be referred to as and when required.

Since parties in both the cases are one and same, also the facts are identical in both the cases, they were taken together, and they are being disposed by common Judgment/award with the consent and concurrence from both the sides.

I have heard argument of learned counsel, Mr Sanjai Verma for workman union and Mr Bhavil Pandey for management. Both the sides have filed written arguments also. I have gone through the record and the written arguments as well.

On perusal of record in the light of rival arguments**, following issues come up in the case in hand for determination-.**

1-Whether both the references are cognizable by this Tribunal ?

2-Whether both the references are barred by res judicata ?

3-Whether the employees of BRL are entitled to wages as an agreed between them and the management of BRL in the memorandum of standing dated March 2007?

4-Whether the employees of BRL (SRU) are entitled to city compensatory allowance and canteen allowance at par with the employees of steel authority of India ?

Issue number one –

Learned Counsel for management has referred to section 14 of the Administrative Tribunal Act 1985 and Notification no.727 (E) Dt. March 31,2010 issued by the government of India, Ministry of Personnel and has submitted that in the light of this Notification, the references or not cognizable by this Tribunal.

Par contra, Learned Counsel for the workmen union has rebutted this argument by referring to section 28 of Administrative Tribunal Act 1985 . Learned Counsel has further referred to judgement of Hon'ble Supreme Court in the case of **Telecom District Manager Vs Keshab Deb (2008) 8 SCC 402 para18.**

Before entering into any discussion, section 14 of the Administrative Tribunal Act 1985 and the concerned notification of Ministry of Personnel, referred to by the learned counsel for management requires to be reproduced and is being reproduced as follows –

14. Jurisdiction, powers and authority of the Central Administrative Tribunal.—(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed

day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court 2*) in relation to—**

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning—

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or (iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation 3 [or society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation

3 [or society] or other body, at the disposal of the Central Government for such appointment.

4 [Explanation.—For the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.] (2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations 3 [or societies] owned or controlled by Government, not being a local or other authority or corporation 3 [or society] controlled or owned by a State Government: Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this 1. Ins. by Act 19 of 1986, s. 10 (w.e.f. 22-1-1986). 2. The words and figures "under article 136 of the Constitution" omitted by s. 11, ibid. (w.e.f. 22-1-1986). 3. Ins. by s. 11, ibid. (w.e.f. 22-1-1986). 4. Ins. by s. 11, ibid. (w.e.f. 1-11-1985). 11 sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations 1 [or societies]. (3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation 1 [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court 2*) in relation to— (a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation 1 [or society]; and (b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation 1 [or society] and pertaining to the service of such person in connection with such affairs.**

Similarly, section 28 of this Act requires to be reproduced and is being reproduced as follows –

On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any Service or post or service matters concerning members of any Service or persons appointed to any Service or post, 3 [no court except— (a) the Supreme Court; or (b) any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 (14 of 1947) or any other corresponding law for the time being in force, shall have], or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.

In the same way, following sections of The Industrial Disputes Act 1947, also being reproduced as follows.

2(J) "INDUSTRY" MEANS ANY BUSINESS, TRADE, UNDERTAKING, MANUFACTURE OR CALLING OF EMPLOYERS AND INCLUDES ANY CALLING, SERVICE, EMPLOYMENT, HANDICRAFT, OR INDUSTRIAL OCCUPATION OR AVOCATION OF WORKMEN;

2(k) **"industrial dispute**" means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the On the enforcement of clause (c) of section 2 of Act 46 of 1982, clause (j) of section 2 shall stand substituted as directed in clause (c) of Act 46 of 1982. For the text of clause (j) of section 2 see Appendix. Sec. 2 The Industrial Disputes Act, 1947 5 employment or non-employment or the terms of employment or with the conditions of labour, of any person; 1[(ka)

2(k)a-"industrial establishment or undertaking" means an establishment or undertaking in which any industry is carried on: Provided that where several Activities are carried on in an establishment or undertaking and only one or some of such Activities is or are an industry or industries, then,- (a) if any unit of such establishment or undertaking carrying on any Activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking; (b) if the predominant Activity or each of the predominant Activities carried on in such establishment or undertaking or any unit thereof is an industry and the other Activity or each of the other Activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant Activity or Activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;]

2[(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) (ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) (iii) who is employed mainly in a managerial or administrative capacity, or

(iv) (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

It is clear from section 14 of the Administrative Tribunal Act 1985 that it is within the powers of the Central government to confers jurisdiction to the Central Administrative Tribunal under this Act with regards to an employees of some establishments by way of notification in the Official Gazette. In pursuance to this power, the Central government issued a notification number 727 (E) Dt. March 31,2010 in which the jurisdiction to entertain the service disputes of employees of Steel Authority of India was also granted to the Central Administrative Tribunal.

Section 28 of the Administrative Tribunal Act 1985 , mentioned as above, itself provides that that no authority court or Tribunal, except the Supreme Court and Industrial Tribunal shall entertain any service dispute as mentioned in section 14 of the Administrative Tribunal Act.

Thus, it is abundantly clear that with respect to the service disputes, as mentioned in section 14 as mentioned above, the industrial Tribunal also shall have concurrent jurisdiction with the Central Administrative Tribunal.

The Industrial Disputes Act 1947, provides that the Industrial Tribunal established under this Act shall have jurisdiction over the industrial disputes with respect to the workmen of an industry as mentioned in this Act. What is an industrial dispute, who is a workman and what is an industry, all have been defined in this Act and have been referred to above. In the cases in hand, the Steel Authority of India fulfils the tenets of an 'industry' as defined in this Act. The dispute referred in these two cases qualifies to be an 'industrial dispute' under this Act which has been defined earlier. This Tribunal has been established by the Government of India under this Act and has been granted jurisdiction to decide industrial disputes. Hence, in the light of these facts, the argument from the side of management that these references are not cognizable by this Tribunal and they are only cognizable by Central Administrative Tribunal holds no water and is turned down. Accordingly, **it is held that this Tribunal has concurrent jurisdiction with the Central Administrative Tribunal in these two references.** I find support from following decision of Hon'ble supreme Court-

This extract is taken from *Deptt. of Telecommunications v. Keshab Deb*, (2008) 8 SCC 402 : (2008) 2 SCC (L&S) 709 : 2008 SCC OnLine SC 791 at page 410.

"18. In a case of the present nature where, inter alia, an employee maintains a writ petition not only on the ground of violation of the equality clause enshrined under Article 14 of the Constitution of India but also on the ground of violation of the provisions of the Industrial Disputes Act, 1947, he has an option to choose his own forum. Section 28 does not bar the jurisdiction of the Central Administrative Tribunal. It saves the jurisdiction of the Industrial Tribunal. An employee who claims himself to be a workman, therefore, will have a right of election in the matter of choice of forum. It is, therefore, not correct to contend that the Central Administrative Tribunal had no jurisdiction to pass the impugned judgment. Furthermore, the respondent claimed regularisation in services. Such an application was maintainable. As to whether he would be entitled to such a relief or not, however, is a different question."

Issue no one is answered accordingly.

Issue number two-

Before entering into any discussion on this issue, it is necessary to reproduce the relevant provision that is section 11 of Civil Procedure Code, which is being reproduced as follows-

11. Res judicata— No Court shall try any suit or issue in which the matter **directly and substantially in issue has been directly and substantially in issue** in a former suit between **the same parties**, or between parties under whom they or any of them claim, litigating under the **same title,** in a Court competent to try such subsequent suit or the suit in **which such issue has been subsequently raised, and has been heard and finally decided by such Court**.

Explanation I.—The expression "former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—**Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.**

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

Explanation VII.—The provisions of this section shall apply to a proceeding for the execution of a decree and reference in this section to any suit, issue or former suit shall be construed as references, respectively, to proceedings for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII.—**An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata** in as subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.

Learned Counsel for management has submitted that the employees of the units of the transferor company ie; BRL . Situated in the state of Jharkhand had filed a petition before the Ranchi Bench of the Central Administrative Tribunal seeking same relief against the management of the transferee company that is the steel authority of India, which is the subject matter of the reference in the case R/67/2015, which was registered as OA/051/00013/2015, which was heard and decided along with other bunch cases OA/051/00031/2015, 051/00062/2015, 051/00063/2015 and OA 051/00097/2015 between the same parties with regard to the same dispute on similar facts wide order dated 23/05/2017, holding that the petition is where barred by limitation and are as so liable to be dismissed on merits. He further summits that this order of the Tribunal was affirmed by a Division Bench of Hon'ble High Court of Jharkhand Ranchi Bench vide its judgement and order passed in WP (S) number 6 348/2017. The order of High Court was not challenged by the Workman union. Hence is final between the parties. Learned counsel further summits that since the parties, the matter in dispute and the facts in the case in hand and the earlier cases, as mentioned above are one & same, with the second case, which is the present case is barred by the principle of res judicata.

On the other hand, Learned Counsel for workman union summits that principle of res judicata does not apply because **firstly,** when the Central Administrative Tribunal held that the petition was barred by limitation, it was not required to look into the merits of the petition. Learned Counsel has referred to the decision of Hon'ble Supreme Court in the case of **Kiran Singh & others Vs Chaman Paswan reported in (1955)1 SCR 117.** Wherein it has been observed that when a case is found to be barred by limitation, entering into the merits of the case is unwarranted. Learned counsel has further submitted that the said judgement was obtained by the management by way of fraud and misrepresentation committed by them on the Central administrative Tribunal by way of suppressing the material facts, hence, on this ground also, the principal of res judicata will not apply.

I am not inclined to accept these arguments from the side of Workman union. The reasons are**, firstly**, the order of the Central Administrative Tribunal was affirmed by Hon'ble High Court as it is established from record. hence, merged with the order passed by Hon'ble High Court. Even if the argument from the side of Workman union, submitted by their Learned Counsel that the said orders were obtained by way of fraud, till they are set aside by

competent Court, they are binding on the parties till they are set aside by competent Court. **Secondly,** this Tribunal is not sitting in appeal over the judgement of the Central Administrative Tribunal and is subordinate to the writ jurisdiction of Hon'ble High Court, hence cannot comment on the merit of orders of the Central Administrative Tribunal or High Court. Hence, all the arguments from the side of Workman union, submitted by its learned counsel in the oral/written arguments relating to the alleged shortcomings of these judgements cannot be considered by this Tribunal. All such arguments are barred by the principle of constructive res judicata also.

From the record, it is established that the previous litigation before the Central Administrative Tribunal and Hon'ble High Court was on same facts, relating to same relief as sought in R/67/2015. The only difference that the Workman who litigated before the Central Administrative Tribunal and High Court were Workman from the Jharkhand units and the present litigation has been initiated by the Workman Chhattisgarh unit will not make any difference.

On the basis of above discussion, the dispute/claim in the reference R/67/2015 is held barred by principle of res judicata.

As regards the claim of the Workmen union regarding parity in Canteen Allowance and City Compensatory Allowance, which is the subject matter of case. Reference R/66/2015, the basis of the claim is not the memorandum of understanding, rather it is based on National Joint Committee for the Steel Industry Memorandum of Agreement (in short NJCS) between the employees of the industry and the management and since it is not the subject matter of litigation before the Central Administrative Tribunal or High Court**, this claim is held not barred by principle of res judicata.**

Issue number two is answered accordingly.

Issue number three-

In the light of findings recorded on issue number two, this issue is answered against the Workman union.

Issue number four-

From perusal of record, it is established that the allowances regarding which parity has been claimed by the Workman union have been granted to the employees of transferee company that is SAI L on the basis of the National Joint Committee for the Steel Industry Memorandum of Agreement (in short NJCS) between the employees of the industry and the management. There are on record, the NJCS of 2001, covering are employees of SAIL and TISCO who we are on the roles on December 31 1996, and where covered under the previous Memorandum of Agreement that it may 18 1995 as per clause 1.0 . The other NJCS is of April 29th 2010 which covers all the employees of SAI L who have been covered as per the Memorandum of Agreement reached by the National Joint Committee for in Steel Industry on July 23, 2001 and who were on the roles as on December 31, 2006, including ISP Collieries as well those employed thereafter.

Undisputed is the fact that City Compensatory Allowance has been done away since 2007 in NJCS. Hence, the dispute remains only with respect to parity in Canteen Allowance.

The class IX (V) of the official notification number 1175 dated July 28, 2009, issued by the Ministry of corporate affairs, government of India, which is the ultimate document is stamping the merger of BRL with SAI L, requires to be mentioned here, relevant portions of which is being reproduced as follows-

"…… **All the benefits which are available to the employees of the transferee company shall be available to the employees of transferor company from the appointed date, including those of medical benefits**. In the larger interest of the employees 10,000, which has been given as an advanced to the employees of the transferor company in anticipation of revised pay scales, shall not be recovered from them by the transferee company as a goodwill gesture."

This provision makes it clear that the employees of the transferor company that is BRL shall be entitled to all the benefits and facilities which are admissible to the employees of the transferee company that is SAIL. This is also established that grant of City Compensatory Allowance and Canteen Allowance arises from the different NJCS and not from the memorandum of understanding between the employees of the transferor company and the Workman union, also does not arise from any Scheme of Amalgamation, approved by the Government of India as well the Amalgamation Notification, all referred to earlier in this judgement. Since right to get these allowances flows from NJCS, hence, the employees of the transferor company that is BRL are entitled to parity with respect of these allowances with the employees of the transferee company that is SAI L and submission from the side of management that increased canteen allowance to the employees of SAI L is given in the light of historical perspective and improved performance, cannot be accepted. Also, because there is no such provision in the NJCS linking them with historical perspectives or performance. **Hence, in the light of above discussion and findings, the discrimination caused by management of M/S SAI L between the employees of SRU and BSP in the matter of grant of City Compensatory Allowance and canteen allowance is held on justified in law and the employees of SRU are entitled to parity in their City Compensatory Allowance and Canteen Allowance.**

Issue number four is answered accordingly.

AWARD

The claim of the workmen union in the reference in the case R/67/2015 is held barred by the principle of res judicata and is answered against the Workman Union.

The claim of the workmen union, in the case R/66/2015 is a held justified in law. The discrimination caused by the management of Steel Authority of India(SAI L) between the employees of SAI L refectory unit (SRU) and Bhilai Steel Plant(BSP) in the matter of grant of City Compensatory Allowance (CCA) and Canteen Allowance(CA) which are at the rate Rs. 75 and 22(SRU) and rupees 120/-and 32(BSP SAIL) respectively is held unjustified and the employees of SRU are held entitled to parity in their CCA & CA.

No order as to cost.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मॉयल के प्रबंधतंत्र के संबद्ध नियोजकों और श्रम शक्ति मज़दूर संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 25/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-27011/3/2018- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 454.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 25/2019) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s MOIL and Shram Shakti Mazdoor Sangh which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No L-27011/3/2018-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/25/2019

Present: P. K.SRIVASTAVA H.J.S..(Retd)

The General Secretary,
Shram Shakti Mazdoor Sangh,
Ukwa, Tehsil - Paraswada,
District – Balaghat ….Workman

Versus

The General Manager (Personnel),
M/s MOIL, MOIL Bhawan,
Katol Road,
Nagpur (MH) - 440013. ….Management

AWARD

(Passed on this 09Th day of February-2024.)

As per letter dated 13/12/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-27011/3/2018-IR(M) dt. 13/12/2018 . The dispute under reference related to :-

"क्या महाप्रबंधक (कार्मिक), मॉयल, कटोल रोड, नागपुर द्वारा अपने कार्यालय आदेश क्रमांक *12/B/per/promn/2016/282* दिनांक *29.08.2016* द्वारा केमिकल विभाग के कामगारों की पदोन्नति मोयल लिमिटेड के *Recruitment & Promotion Rules, 2013* के नियम *22 2(ii)* के अनुसार है*?* यदि नहीं, तो इस मामले में आवश्यक निर्देश क्या है*?"*

2. क्या महाप्रबंधक (कार्मिक), मोयल, कटोल रोड, नागपुर द्वारा प्रबंधन के जारी उक्त पदोन्नति कार्यालय आदेश क्रमांक *12 B/per/promn/2016/282* दिनांक *29.08.2016* के अनुसार उकया खान, जिला बालाघाट के श्रम शक्ति मजदूर संघ द्वारा संलग्न सूची अनुसार कार्यरत *33* व अन्य कामगारों को छह वर्ष या अधिक की सेवा के बाद पदोन्नत ना करना उचित है*?* यदि नहीं, तो उक्त कामगार क्या अनुतोष पाने के अधिकारी है*?"*

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मैनपात बॉक्साइट माइंस के प्रबंधतंत्र के संबद्ध नियोजकों और श्री एम. एल. रजक, जनरल सेक्रेटरी, एल्युमीनियम एम्प्लोयी'स यूनियन (एटक) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 93/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-43011/1/2018- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 455.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 93/2018) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Mainpat Bauxite Mines and Shri M.L. Rajak, General Secretary, Aluminum Employees' Union (AITUC) which was received along with soft copy of the award by the Central Government on 01.03.2024.

[F. No L-43011/1/2018-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/93/2018

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Shri M.L. Rajak, General Secretary,
Aluminium Employee's Union (AITUC)
4/5, A type, Sector-6, Balco Nagar,
District - Korba, Chhattisgarh - 459684. …. Workman

Versus

The Mines Manager,
M/s Mainpat Bauxite Mines,
At.- Mainpat, Post Kamleshwarpur,
District - Surguja, Chhattisgarh. …Management

AWARD

(Passed on this 12Th day of February-2024.)

As per letter dated 26/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-43011/1/2018-IR(M) dt. 26/11/2018. The dispute under reference related to :-

"Whether the action on the part of management of Balco Mainpat Bauxite in not providing opportunity to the old P.F. Holders and to the local people for engaging them in the Bauxite Mines of Mainpat as raised by the local branch secretary of Aluminium Employee's Union (AITUC) is appropriate and justified? If not, what reliefs the said Union is entitled to? What directions, if any, is necessary in the matter?"

Shri Sunil Singh, the General Secretary of the Aluminium Employees Union (AITUC) appears from the side of Workman union and files his application, wherein it has been stated that the claim in the reference has become, in fructuous with the afflux of time as it has been settled out of Court. As stated in the application, the workmen whose grievances were the subject matter of the reference, have been given employment through contactor and are working with the management. They do not want to continue this litigation. Hence, the union has decided not to pursue the reference. Accordingly, he prays that the reference be decided and no dispute award be passed.

Learned counsel for management, Shri Arun Patel, who has been supplied copy of the application and affidavit and also the certificate of registration of the union and its office bearers as well copy of the proceedings of the annual Gen assembly dated March 19, 2023 consents to the passing no dispute award admitting that the dispute has been settled out of Court.

Since the dispute has been settled out of Court, no dispute award is passed. The reference stands answered accordingly. No order as to cost.

AWARD

In the light of this factual backdrop, Since the dispute has been settled out of court, no dispute award is passed.

The reference stands answered accordingly.

No order as to cost

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गार्डन रीच शिप बिल्डर्स एंड इंजिनीयर्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार/ यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-03/2002) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-32011/5/99- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 456.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 03/2002) of the Central Government Industrial Tribunal cum Labour Court, Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to Garden Reach Ship Builders & Engineers Limited and their workmen/Union which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-32011/5/99- IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. No. 03 OF 2002

Parties : Employers in relation to the management of

Garden Reach Ship Builders and Engineers Ltd.

AND

Their Union/Workmen

Appearance :

On behalf of the Management: Mr. Ranjay De, Ld. Advocate.

On behalf of the Union/Workmen: Absent.

Dated: 22nd February, 2024

AWARD

By order No. L-32011/5/99 –IR (M) dated 27-02-2002, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

> **"Whether the action of the management of Garden Reach Ship Builders & Engineers Ltd. in dismissing Sh. Santi Kumar Das from service w.e.f. 30-06-1994 is legal and justified? If not, to what relief the workman is entitled?"**

The brief facts necessary for adjudication of the present reference on the issue whether the management is justified in dismissing the workman Sri Santi Kumar Das are that, the workman was employed as a Pipe Fitter in the establishment of the Company. That there was an agitation against the inaction of the management on the natural death of an employee named Manna at his own residence at the main unit of the factory on 04.03.1993. The workman after recording his attendance left place of his work and engaged in inciting other workmen at various points of the main yard. They formed an unlawful assembly near Gate No. 1 in order to bring the dead body inside factory premises. When they were resisted by security personnel, he and other workmen over powered the security staff on duty by inflicting physical assault with fist and blows causing bodily injuries on them. They brought the dead body and placed before the office of the General Manager (Personnel) causing total dislocation of work. That he and other workmen involved in the incident were placed under suspension by the management on 05-03-1993 for their grave misconduct and served

with a charge sheet dated 06-03-1993 upon the concerned workman alleging following acts of misconduct of the certified standing order :-

Clause 10 – ……riotous disorderly or indecent behaviour threatening, intimidating, interfering with the work of other employees, assault or threat of assault, either provoked or otherwise.

Clause- 11 –Commission of any act subversive of good behaviour or of the discipline of the company.

Clause-14 -Wilful or irresponsible action resulting in damage to any goods or property of the company.

Clause-19-Conduct within the Factory which is likely to endanger the life of safety of any person.

Clause-20-Refusal to accept order or other communication served either in accordance with their Standing Orders.

Clause- 24-Conduct prejudicial to the interest or reputation of the company.

Clause-29-Instigation, incitement abetment or furtherance of the foregoing misdemeanours shall be punishable as a major misdemeanour.

That the concerned workman submitted reply to the charge but the management being not satisfied with the reply, decided to hold an enquiry. That Board of Enquiry was constituted and enquiry was held at diverse dates. The domestic enquiry was concluded holding the workman guilty of charges levelled against him. Report of the Enquiry Officer was sent to the workman on 29-04-1994 and he submitted his representation on 17-05-1994. The Disciplinary Authority not being satisfied with the representation of the workman and concurring with the findings of the Enquiry Officer and taking into consideration the gravity of misconduct dismissed the concerned workman from the service by issuing a letter dated 30-06-1994.

The workman challenged the validity of the enquiry on the basis of which his service was dismissed and which resulted in the present reference. That this Tribunal vide order dated 31-05-2023 came to the conclusion that the enquiry held by the management on the charges brought against thee workman to be valid and proper.

However, in view of the provision of section 11A of the I.D. Act, the case is fixed for hearing on the point of adequacy of punishment but none appeared from the side of the union.

The management to justify the punishment of dismissal of service imposed on the concerned workman to be just and proper submitted its written notes of argument. The Ld. Counsel in support of its written notes of argument referred to the following decisions :-

1. South India Cashew Factories Workers' Union –vs – Kerala State Cashew Development Corpn. Ltd. (2006) 5 SDCC 201.
2. Tata Engineering & Locomotive Co. Ltd. (2006) 12 SCC 554.
3. Maharashtra State Road Transport Corpn. –vs- Dilip Uttam Jayabhay (2022) 2 SCC 696.
4. A.P. State Road Transport Corpn.. –v-s Raghuda Siva Sankar Prasad (2007) 1 SCC 222.
5. CMC Hospital Employees Union & Anrs –vs- CMC Association & Ors and State of Tamil Nadu –vs- CMC & Ors. (1987) 4 SCC 691.
6. Hombe Gowda Educational Trust & Anrs. –vs- State of Karnataka & Ors. (2006)1 SCC 430.
7. West Bokaro Collery (Tisco Ltd.) –vs- Ram Pravesh Singh (2008) 3 SCC 729.
8. K.T. Varghese & Ors. –vs- State of Kerala & Ors. (2008) 3 SCC 735.
9. Davalsab Husainsab Mulla –vs- North West Karnataka Road Transport Corpn., (2013) 10 SCC 185.
10. Adinath –vs- Chief General Manager, State Bank of India [2012(5) Mh. L.J.
11. Muriadih Collery of Bharat Coking Coal Ltd. –vs- Bihar Collery Kamgar Union (2005) 3 SCC 331.d
12. Gujarat State Road Transport Corpn –vs- Dawoodbhai I. Ghanchi (2011) SCC OnLine Guj 7635 and
13. Management of Regional Chief Engineer, Public Health and Engineering Deptt., Ranchi –vs- Their Workmen (2019) 18 SCC 814.

The Ld. Counsel for the management submited since the Tribunal has held the enquiry to be valid, then it should not interfere with the order of punishment imposed by the management in the absence of allegation of unfair labour practice and victimisation.

He further submitted that the Tribunal cannot substitute its subjective opinion in place what has been arrived at by the domestic Tribunal while considering the quantum of punishment.

However, he candidly submitted that after the introduction of clause 11A in the I.D. Act, 1947 the discretionary power has been conferred upon the forums created under the Act to interfere with the quantum of punishment imposed by the management in an appropriate case. The power under Section 11A of the act has to be exercised judicially and the Industrial Tribunal or the Labour Court is expected to interfere with the decision of management u/s 11A of the Act only when it is satisfied that the punishment passed by the management is highly disproportionate to the degree of guilt of the workman concerned.

He has further submitted while considering the quantum of punishment if two views are possible then Tribunal should be very slow in coming to a conclusion different from the management. That while re-appraising evidence of the domestic enquiry u/s 11A Tribunal should not act as an Appellate Court but as a Revisional Court. In exercising the discretionary power u/s 11A the Tribunal should be very cautious and careful. That severance of employer employee relationship as a punishment may put an employee concerned into great hardship but at the same time it has to be considered that discipline is required to be maintained in the organisation.

In the present case the concerned workman has been charge sheeted for involving in rioting, assaulting the security guards and other persons, for insubordination, for tarnishing the image of the company and for disruption of work in the factory. If such workman is allowed to work in the establishment then the other workmen would be encouraged in indulging in similar activities in the establishment of the employer and there will be regular law and order problem in the establishment of the company. Thus, he submits that order of dismissal of the workman may be confirmed.

Section 11A of the Act was incorporated w.e.f. 15th December, 1971 to enable a workman aggrieved by termination of his service to appeal against the termination to a neutral body such as arbitrator, a court or an arbitration committee or a similar body and that neutral body concerned should be empowered to examine the reasons given in termination of employment.

The Hon'ble Supreme Court in CMC Employees Union & Anrs. –vs- CMC Vellore Association & Anr. (supra) has observed :-

".. Section 11A which has been introduced since then into the Act which confers the power on the Industrial Tribunal or the Labour Court to substitute a lesser punishment in lieu of the order of discharge or dismissal passed by the management again cannot be considered as conferring an arbitrary power on the Industrial Tribunal or the Labour Court. The power under section 11-A of the Act to be exercised judicially and the Industrial Tribunal or the Labour Court is expected to interfere with the decision of management under section 11A of the Act only when it is satisfied that the punishment imposed by the management is highly disproportionate to the degree of guilt of the workman concerned. The Industrial Tribunal or the Labour Court has to give reasons for its decision……."

It has come on record that the concerned workman has left his duty and indulged in inciting other workmen to agitate against the management for the death of one of the workmen and formed unlawful assembly to bring the dead body forcibly inside the main unit of the factory and to protest before the office the General Manager (Personnel) disrupting the peace and tranquillity of the establishment of the company and also causing disruption in the running of the factory. While doing so he and other workmen were indulged in manhandling the security personnel on duty at Gate No. 1 and over powered those security personnel and managed to bring the dead body inside the factory and caused total dislocation of work. That the concerned workman refused to accept the suspension order also.

The Hon'ble Supreme Court in Muriadih Colliery of Bharat Coking Coal Ltd. –vs- Bihar Colliery Kamgar Union Through Workmen (supra) has been pleased to hold an act of physical violence as an act of grave misconduct and which call for stringent punishment.

Therefore, this Tribunal is of view the act of indulgence in physical assault upon security personnel or over powering few numbers of security guards by a mass crowd of employees is an act of grave misconduct and such act may put the safety and security of the factory in stake.

In view of the above it is clear that there is no scope of enquiry by Industrial Tribunal into the merit of the case. Once a departmental enquiry is held to be legal, valid and proper by this Tribunal, the only scope left of the Tribunal is to examine and re-appraise the action of the management on the point of punishment. It is clear the act of assault, vandalism and riot seriously affect industrial environment. Such act should not be taken lightly and punishment awarded by the management should not be interfered with.

In the circumstances action of the management of Garden Reach Ship Builders & Engineering Ltd. in dismissing Sri Santi Kumar Das, a Pipe Fitter from the service w.e.f. 30-06-1994 is held to be legal and justified. The workman is not entitled to any relief. Accordingly, Reference Case No. 03 of 2002 is disposed of with the finding the action of management of Garden Reach Ship Builders & Engineering Ltd. in dismissing Sri Santi Kumar Das from service w.e.f. 30-06-1994 is found to be legal and justified and award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 457.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गार्डन रीच शिप बिल्डर्स एंड इंजिनीयर्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार/ यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-07/2002) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-32011/5/99- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 457.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 07/2002) of the Central Government Industrial Tribunal cum Labour Court, Kolkata as shown in the Annexure, in the Industrial dispute between the employers in relation to Garden Reach Ship Builders & Engineers Limited and their workmen/Union which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-32011/5/99- IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. BHUTIA, Presiding Officer.

REF. N. 07 OF 2002

Parties : Employers in relation to the management of

Garden Reach Ship Builders and Engineers Ltd.

AND

Their Union/Workman Nurul Amin

Appearance :

On behalf of the Management: Mr. Ranjay De, Ld. Advocate.

On behalf of the Union/Workmen: Mr. Madhusudan Dutta, Ld. Advocate.

Dated: 22nd February, 2024

AWARD

By order No. L-32011/5/99 –IR (M) dated 27-02-2002, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

> **"Whether the action of the management of Garden Reach Ship Builders & Engineers Ltd. in dismissing Sri Nurul Amin from service w.e.f. 30-06-1994 is legal and justified? If not, to what relief the workman is entitled?"**

The brief facts necessary for adjudication of the present reference on the issue whether the management is justified in dismissing the workman Sri Nurul Amin are that, the workman was employed as a Carpenter in the establishment of the Company. That there was an agitation against the inaction of the management on the natural death of an employee named Manna at his own residence at the F.O.J unit of the factory on 04.03.1993. That Mr. M. K. Bhattacharya, Sr. Security Officer to assess the situation in connection with the visit of VIP was going towards Gate No. 1 and at that time the concerned workman along with other 20 to 30 workmen unlawful assembled nearby chased him, pushed him from behind. He was abuse in filthy language. That when Sri Prabhat Kumar Das tried to escort Sri Bhattacharya he too was assaulted with blow on his right forehead. Due to the impact of the blow the cap which he was wearing fell on the ground and he suffered vertigo. That both the Sr. Security Officer and Sri Prabhat Kr. Das were taken to the Medical Deptt. for their treatment. That he and other workmen involved in the incident were placed under suspension by the management on 05-03-1993 for their grave misconduct and served with a

charge sheet dated 06-03-1993 upon the concerned workman alleging following acts of misconduct of the certified standing order :-

Clause 10 – ……riotous disorderly or indecent behaviour threatening, intimidating, interfering with the work of other employees, assault or threat of assault, either provoked or otherwise.

Clause- 11 – Commission of any act subversive of good behaviour or of the discipline of the company.

That the concerned workman submitted reply to the charge but the management being not satisfied with the reply, decided to hold an enquiry. That Board of Enquiry was constituted and enquiry was held at diverse dates. The domestic enquiry was concluded holding the workman guilty of charges levelled against him. Report of the Enquiry Officer was sent to the workman and he submitted his representation. The Disciplinary Authority not being satisfied with the representation of the workman and concurring with the findings of the Enquiry Officer and taking into consideration the gravity of misconduct dismissed the concerned workman from the service of a Carpenter by issuing a letter dated 30-06-1994.

The workman challenged the validity of the enquiry on the basis of which his service was dismissed and which resulted in the present reference. That this Tribunal vide order dated 16-01-2019 came to the conclusion that the enquiry held by the management on the charges brought against thee workman to be valid and proper.

However, in view of the provision of section 11A of the I.D. Act, the case is fixed for hearing on the point of adequacy of punishment.

Ld. Counsel for the workman filed his written notes of argument and referred to the following decisions in support of his argument:-

1. Mavji C. Lakum –vs Central Bank of India, 2008-III-LLJ-I (SC).
2. The workmen of M/s. Fire Stone Tyre & Rubber & Co. India Pvt. Ltd. & Ors. –vs- Manik Basudeb & Ors. 1973 (I) LLJ 278.
3. Hindustan Tin Works Ltd. –vs- Its employees,1978 (II) LLJ SC 474.
4. Bank of India vs Central Govt. Industrial Tribunal & Ors., 2010-IV-LLJ 337 (Cal).
5. K.C.P. Employees Association, Madras –vs- Management of KCP Ltd., 1978 (I) LLJ SC 322.
6. Grindlays Bank Ltd. –vs- Central Industrial Tribunal & Ors., 1981 (1) LLJ 327.

The management to justify the punishment of dismissal of service imposed on the concerned workman to be just and proper submitted its written notes of argument. The Ld. Counsel in support of its written notes of argument referred to the following decisions:-

1. South India Cashew Factories Workers' Union –vs – Kerala State Cashew Development Corpn. Ltd. (2006) 5 SDCC 201.
2. Tata Engineering & Locomotive Co. Ltd. (2006) 12 SCC 554.
3. Maharashtra State Road Transport Corpn. –vs- Dilip Uttam Jayabhay (2022) 2 SCC 696.
4. A.P. State Road Transport Corpn.. –v-s Raghuda Siva Sankar Prasad (2007) 1 SCC 222.
5. CMC Hospital Employees Union & Anrs –vs- CMC Association & Ors and State of Tamil Nadu –vs- CMC & Ors. (1987) 4 SCC 691.
6. Hombe Gowda Educational Trust & Anrs. –vs- State of Karnataka & Ors. (2006)1 SCC 430.
7. West Bokaro Collery (Tisco Ltd.) –vs- Ram Pravesh Singh (2008) 3 SCC 729.
8. K.T. Varghese & Ors. –vs- State of Kerala & Ors. (2008) 3 SCC 735.
9. Davalsab Husainsab Mulla –vs- North West Karnataka Road Transport Corpn., (2013) 10 SCC 185.
10. Adinath –vs- Chief General Manager, State Bank of India [2012(5) Mh. L.J.
11. Muriadih Collery of Bharat Coking Coal Ltd. –vs- Bihar Collery Kamgar Union (2005) 3 SCC 331.d
12. Gujarat State Road Transport Corpn –vs- Dawoodbhai I. Ghanchi (2011) SCC OnLine Guj 7635 and
13. Management of Regional Chief Engineer, Public Health and Engineering Deptt., Ranchi –vs- Their Workmen (2019) 18 SCC 814.

The Ld. Counsel for the management submitted since the Tribunal has held the enquiry to be valid, then it should not interfere with the order of punishment imposed by the management in the absence of allegation of unfair labour practice and victimisation.

He further submitted that the Tribunal cannot substitute its subjective opinion in place what has been arrived at by the domestic Tribunal while considering the quantum of punishment.

However, he candidly submitted that after the introduction of clause 11A in the I.D. Act, 1947 the discretionary power has been conferred upon the forums created under the Act to interfere with the quantum of punishment imposed by the management in an appropriate case. The power under Section 11A of the act has to be exercised judicially and the Industrial Tribunal or the Labour Court is expected to interfere with the decision of management u/s 11A of the Act only when it is satisfied that the punishment passed by the management is highly disproportionate to the degree of guilt of the workman concerned.

He has further submitted while considering the quantum of punishment if two views are possible then Tribunal should be very slow in coming to a conclusion different from the management. That while re-appraising evidence of the domestic enquiry u/s 11A Tribunal should not act as an Appellate Court but as a Revisional Court. In exercising the discretionary power u/s 11A the Tribunal should be very cautious and careful. That severance of employer employee relationship as a punishment may put an employee concerned into great hardship but at the same time it has to be considered that discipline is required to be maintained in the organisation.

He has submitted that the concerned workman has been charge sheeted for involving in rioting, assaulting the security officer and another person and for committing act subversive of good behaviour or of the discipline of the company. If such workman is allowed to work in the establishment then the other workmen would be encouraged in indulging in similar activities in the establishment of the employer and there will be regular law and order problem in the establishment of the company. Thus, he submits that order of dismissal of the workman may be confirmed.

On the other hand Ld. Counsel for the workman submitted that order dated 16-01-2019 was passed exparte without giving any opportunity to the workman to make any submission as to the validity of the so called enquiry. The workman has filed a petition for setting aside the exparte order dated 16-01-2019 but his application was rejected on 31-05-2023.

But nothing has come on record to show the workman being dissatisfied with exparte order dated 16-01-2019 or order dated 31-05-2023 rejecting his application, he has moved higher forum and obtained orders in his favour or those orders being set aside. Thus, the order dated 16-01-2019 prevails and vide which it has been held that domestic enquiry held by the management against the concerned workman is valid and proper.

Further, Ld. Counsel submitted that punishment of dismissal from service imposed by the management is shockingly disproportionate to the charges that have been brought against him as the management has failed to prove physical assault by concerned workman supported by medical papers of the victim Sr. Security Officer Mr. M. K. Bhattacharya and Sri Prabhat Kumar Das. He in support referred to Marji C Lokum –vs- Central Bank of India (supra) where Hon'ble Supreme Court has been pleased to observe that "even if the enquiry is found to be fair, that would only a finding certifying that all possible opportunities were given to the delinquent and principle of natural justice and fair play was observed, that does not mean that the findings arrived at were essentially the correct findings. If the Industrial Tribunal comes to the conclusion that findings could not be supported on the basis of the evidence given or further comes to the conclusion that the punishment given is shockingly disproportionate. The Industrial Tribunal still be justified in re-appreciating the evidence and/or interfering with the quantum of punishment".

He further submitted that in view of findings of Hon'ble Supreme Court in M/s. Firestone Tyre & Rubber Co. of India Pvt. Ltd. (supra) the Tribunal is at liberty to consider not only whether the findings of misconduct recorded by an employer is correct, but also differ from the said findings if a proper case is made out and finally decide the matter, if the alleged misconduct is not established by the evidence.

He submitted that the victim Mr. P.K.Das has merely stated that Nurul Amin had taken a leading part in the agitation but did not mention that he was assaulted by Nurul Amin or the agitation was unruly. So, no evidence is there to prove that Nurul Amin inflicted blow on Mr. P. K. Das. The participation in an agitation is not a grave misconduct to dismiss a workman and which is equal to capital punishment, which has not only affected the workman for becoming unemployed but his family members too had suffered due to the order of dismissal. Thus, he has alleged the management without application of mind and arbitrarily dismissed the concerned workman from the service.

Section 11A of the Act was incorporated w.e.f. 15th December, 1971 to enable a workman aggrieved by termination of his service to appeal against the termination to a neutral body such as arbitrator, a court or an arbitration committee or a similar body and that neutral body concerned should be empowered to examine the reasons given in termination of employment.

The Hon'ble Supreme Court in CMC Employees Union & Anrs. –vs- CMC Vellore Association & Anr. (supra) has observed :-

".. Section 11A which has been introduced since then into the Act which confers the power on the Industrial Tribunal or the Labour Court to substitute a lesser punishment in lieu of the order of discharge or dismissal passed

by the management again cannot be considered as conferring an arbitrary power on the Industrial Tribunal or the Labour Court. The power under section 11-A of the Act to be exercised judicially and the Industrial Tribunal or the Labour Court is expected to interfere with the decision of management under section 11A of the Act only when it is satisfied that the punishment imposed by the management is highly disproportionate to the degree of guilt of the workman concerned. The Industrial Tribunal or the Labour Court has to give reasons for its decision……."

It has come on record that the concerned workman has left his duty and formed an unlawful assembly near the gate no. 1 of the establishment of the company. The Sr. Security Officer who prevented from discharging his duty by obstructing him by showering abuses in filthy language and even attempt was made to assault him. That Mr. Das who had come to the rescue of Mr. Bhattacharya, Sr. Security Officer from the attack of a mob led by the present workman was showered with blows. That Mr. Das had suffered blow on his person and due to which he lost balance of his body and had also suffered vertigo. It has also come on record the concerned workman indulged in inciting other workmen to agitate against the management for the death of one of the workmen and formed unlawful assembly to bring the dead body forcibly inside the main unit of the factory and to protest before the office the General Manager (Personnel) disrupting the peace and tranquillity of the establishment of the company and also causing disruption in the running of the factory. While doing so he and other workmen were indulged in manhandling the security personnel on duty at Gate No. 1 and over powered those security personnel and managed to bring the dead body inside the factory and caused total dislocation of work.

The Hon'ble Supreme Court in Muriadih Colliery of Bharat Coking Coal Ltd. –vs- Bihar Colliery Kamgar Union Through Workmen (supra) has been pleased to hold an act of physical violence as an act of grave misconduct and which call for stringent punishment.

Therefore, this Tribunal is of view the act of indulgence in physical assault upon security personnel or over powering security personnel by a mass crowd of employees is an act of grave misconduct and such act may put the safety and security of the factory in stake and also the discipline of the establishment in stake. If no stringent action is taken against such activities of the employees working in the factory then other employees will be encouraged in indulging in grave misconduct in violation of standing orders.

In view of the above it is clear that there is no scope of enquiry by Industrial Tribunal into the merit of the case. Once a departmental enquiry is held to be legal, valid and proper by this Tribunal, the only scope left of the Tribunal is to examine and re-appraise the action of the management on the point of punishment. It is clear the act of assault and riot seriously affect industrial environment. Such act should not be taken lightly and punishment awarded by the management should not be interfered with.

In the circumstances action of the management of Garden Reach Ship Builders & Engineering Ltd. in dismissing Sri Nurul Amin, a Carpenter from the service w.e.f. 30-06-1994 is held to be legal and justified. The workman is not entitled to any relief. Accordingly, Reference Case No. 07 of 2002 is disposed of with the finding the action of management of Garden Reach Ship Builders & Engineering Ltd. in dismissing Sri Nurul Amin from service w.e.f. 30-06-1994 is found to be legal and justified and award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 1 मार्च, 2024

का.आ. 458.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दुर्गापुर स्टील प्लांट के प्रबंधतंत्र के संबद्ध नियोजकों और हीरा लाल डोम एंड 2 अन्य के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, आसनसोल, पंचाट (रिफरेन्स न.- 13/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01.03.2024 को प्राप्त हुआ था।

[सं. एल-26011/16/2017- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 1st March, 2024

S.O. 458.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 13/2017) of the Central Government Industrial Tribunal cum Labour Court, Asansol as shown in the Annexure, in the Industrial dispute between the employers in relation to Durgapur Steel Plant and Shri Heera Lal Dome And 2 Others which was received along with soft copy of the award by the Central Government on 01.03.2024.

[No. L-26011/16/2017-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

Present: Shri Ananda Kumar Mukherjee, Presiding Officer, C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 13 OF 2017

PARTIES: Hira Lal Dome and two others

Vs.

Management of Durgapur Steel Plant

REPRESENTATIVES:

For the Union/Workmen: None.

For the Management of DSP: Mr. Madhab Banerjee, Adv.

INDUSTRY: Iron and Steel.

STATE: West Bengal.

Dated: 17.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-26011/16/2017-IR(M)** dated 25.08.2017 has been pleased to refer the following dispute between the employer, that is the Management of Durgapur Steel Plant and their workmen for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management in denial of promotion in S-5 Grade to Sri Hiralal Dome and two other employees of Fire Service Department of Durgapur Steel Plant is correct? If not, what relief the workman is entitled to? "

1. On receiving Order **No. L-26011/16/2017-IR(M)** dated 25.08.2017 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 13 of 2017** was registered on 13.09.2017 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Madhab Banerjee, learned advocate for the management of Durgapur Steel Plant is present. Case is fixed up today for appearance of Hira Lal Dome, Md. Kamruddin Khan and Ram Lochan Kurmi, the employees of Fire Services Department of Durgapur Steel Plant and for their evidence. In compliance with order dated 31.07.2023, Notices were issued to the three employees posted as Fire Fighter in the Fire Services Department of Durgapur Steel Plant. The Notices sent under registered post were not returned. It is therefore presumed that the same have been served upon addressees but they have not appeared.

3. Learned advocate for respondent management submitted that the dispute herein has been resolved by way of regularisation of Hira Lal Dome, Md. Kamruddin Khan and Ram Lochan Kurmi. Learned advocate also filed a Memorandum of Settlement between management and two of the aggrieved workmen namely, Md. Kamruddin Khan and Ram Lochan Kurmi. Perused the same.

4. It appears from the Memorandum of Settlement dated 23.06.2022 between Md. Kamruddin Khan and Ram Lochan Kurmi as first party and Steel Authority of India Limited as second party, represented by Mr. Rajeev Kumar, General Manager (Personnel-Works) that the aforesaid two workman will be notionally promoted to S-6 grade on 30.06.2017 and subsequently they will be promoted to S-7 grade on 30.06.2021 provided they fulfill all other criteria for promotion i.e. minimum 240 days attendance, vigilance clearance, promotable grading, etc. and they will be entitled for monetary benefit w.e.f. 30.06.2021 only. It was also agreed that this arrangement will not be applicable to Hiralal Dome as his promotion was delayed due to disciplinary action.

5. It appears to me that the workmen in this dispute have not appeared on consecutive dates. It is presumed that due to such settlement between two of the aggrieved workmen and the management in terms of the Memorandum of Settlement in Form H, Industrial Disputes Central Rules, 1957, the parties are not inclined to proceed any further. In view of such fact and circumstances, the Industrial Dispute is dismissed in the form of a No Dispute Award treating the Memorandum of Settlement in Form H dated 23.06.2022 as part of the Award.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case treating the Memorandum of Settlement dated 23.06.2022 as part of the Award. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 459.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (03/2019) प्रकाशित करती है।

[सं. एल - 12011/15/2018- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/15/2018- IR(B.I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/03/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

The General Secretary,
Dainik Vetan Bhogi Bank Karmchari Sangathan,
F-1, Tripti Vihar, Opp. Engg. College,
Ujjain(MP)-456010 …..Workman

Versus

The Chief General Manager,
State Bank of India, Hosangabad Road,
BHOPAL(M.P.) – 462004 ….Management

AWARD

(Passed on this 02nd day of February-2024.)

As per letter dated 18/12/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-12011/15/2018 (IR(B-I)) dt. 18/12/2018 . The dispute under reference related to :-

> **"Whether the following allegations made by the union, Dainik Vetan Bhogi Bank Karmchari Sangathan, against the management of State Bank of India, Bhopal, in the matter of Shri Manohar Adiwal, are amounts to unfair labour practice under 1.D Act.?**

a.) Not giving appointment letter and not giving termination letter.

b) Payment was not made as per pay scale/skill wage.

c.) Minimum Wages not paid.

d.) Muster Roll has not been maintained as per Section 25-D of ID Act

e.) Applicants have worked 240 days in a year.

f) After working for 06 days, the Wages for weekly off and National Holidays 26th January, 15th Aug were deducted.

If yes, what relief the workman is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुध निर्माणी के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (65/2019) प्रकाशित करती है।

[सं. एल - 12025/01/2024- आई आर (बी-I) -112]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 65/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of Ordnance Factory and their workmen.

[No. L-12025/01/2024- IR(B-I)-112]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/65/2019

Present: P. K.Srivastava H.J.S..(Retd)

Shri Naeem Ahmed
S/o. Late Jalil Ahmed,
R/o. H.No.47, Infront of
New Anand Nagar Petrol Pump,
Sanjay Gandhi Ward,
Adhartal, Jabalpur (Madhya Pradesh) ….Workman

Versus

The General Manager,
Ordnance Factory, Khamaria,
Jabalpur (Madhya Pradesh) ….Management

AWARD

(Passed on this 23Th day of January-2024.)

As per letter dated 15/10/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference numbeJ-1(2-2)/2019-IR dt. 15/10/2019 . The dispute under reference related to :-

"क्या प्रबंधन जनरल मैनेजर, आर्डनेंस फैक्टरी, खमरिया, जबलपुर (मध्य प्रदेश) के व्दारा भी नईम अहमद आत्मज स्व० जलील अहमद के डीएससी पर्सोनल के अधीन दिनांक वर्ष *2006* से *6.1.2011* तक दैनिक वेतन भेगी बारबर/धोबी के पद पर नियोजन में रखाने पश्यात् उसकी सेवाएँ नियमित न करते हुये सेवा से पृथक करने की कार्यवाही न्यायोचित है *?* यदि नहीं तो, संबंधित आवेदक किस अनुतोष के हकदार है *?"*

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In Spite of service of notices, the workman never appeared nor did he file any statement of claim, management filed its written statement of claim/ defence. No evidence was ever produced by any of the parties in this tribunal.

The reference itself is the issue for determination.

Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in absence of any evidence in support holding the claim of workman not proved the reference deserves to be answered against the workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 461.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय पुणे के पंचाट (31/2015) प्रकाशित करती है।

[सं. एल - 12012/13/2012 - आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 31/2015) of the Indus.Tribunal-cum-Labour Court Pune as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen.

[No. L-12012/13/2012- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, AT PUNE BEFORE SHRI. K.N. GAUTAM, PRESIDING OFFICER

Reference (IT) No. 31 of 2015

Bank of Maharashtra,
Head Office Lokmangal,
1501, Shivaji Nagar,
Pune 411 005. … First Party

VERSUS

S. G. Dandekar,
C-7, Rahul Nagar, Kothrud,
Pune 411 038. … Second Party

CORAM :- SHRI. K.N. GAUTAM, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNE.

APPEARANCES :- ➢ Shri. D.J.Bhange, Advocate for the First Party.
Shri. N.A.Kulkarni, Advocate for the Second Party.

PART I – AWARD

ORDER ON PRELIMINARY ISSUE

(Dated : 31.01.2024)

This is a reference made by Government of India vide order dated 26.11.2012 under Section 10(1) and 2A of the Industrial Disputes Act, 1947 in respect of that whether the action of management of Bank of Maharashtra, Lok Mangal, 1501, Shivajinagar, Pune 411 005, in imposing the punishment of removal from service with superannuation benefits etc. vide order dated 08.06.2011 upon Shri. S.G. Dandekar is justified, legal, proper and in proportion to the charges of misconduct, what relief the workman is entitled to and from which date, what other order are necessary in the matter.

Facts of the Second Party :

2. The Second Party filed its statement of claim and contended that he was appointed in the First Party Bank with effect from 05.09.1980. His past record was clean and unblemished. He was relieved from Vishrantwadi branch of the First Party bank on 12.09.2009 and instructed to work at Service branch, Pune of the First Party on 14.09.2009. Accordingly, the Second Party joined the Service branch on 14.09.2009 and worked till 15.09.2009. The Second Party was issued with charge-sheet dated 02.01.2010, wherein it is alleged that he remained absent from duty without a prior sanction from 16.09.2009 to 18.09.2009. It was also alleged that on 18.09.2009, he visited the Vishrantwadi branch and the Chief Manager directed him to work at Vishrantwadi branch. It was also alleged in charge-sheet that on 19.09.2009, he was informed by Mr. A.S. Dange to work at Vishrantwadi branch, but he worked at Service branch and committed a misconducts under a Bi-partite settlement. Without calling explanation of charge-sheet from him directly the inquiry was held. The inquiry conducted against him is not fair and proper and against the principles of natural justice. The Inquiry Officer without considering the evidence brought on record reached to an erroneous conclusion that the Second Party committed misconduct namely disobedience of lawful order of superior and accordingly, he was punished by removing him from service. The Second Party contended that his termination is illegal. He contended that vide letter dated 21.05.2011, the Disciplinary Authority imposed a punishment of dismissal/removal/compulsory retirement and thereby act with total non-application of mind and undue pressure from Chief Manager. Hence, the order of termination of the Second Party is required to be set aside. The Second Party also prayed that the First Party be directed to reinstate him into the service, with continuity of service and with full back wages along-with other consequential benefits.

Facts of the First Party :-

3. The First Party filed its written statement and denied almost all the contentions raised by the Second Party. It is contended that the industrial dispute raised by the Second Party is false and suffers from gross suppression of facts, hence liable to be rejected. The First Party contended that it is a nationalized bank having head office at Shivajinagar, Pune and has its branches all over India. The Second Party joined the First Party bank in the year 1980 in the clerical cadre. The Second Party was working as a Special Assistant at Vishrantwadi branch, Pune with effect from 27.07.2009. He was deputed to Service branch with effect from 14.09.2009 till further instructions and accordingly relieved on 12.09.2009 from Vishrantwadi branch. It is contended that the Second Party reported at Service branch on 14.09.2009 and worked upto 15.09.2009. However, he remained absent from duty from 16.09.2009 to 18.09.2009 without prior sanction and without submitting leave application at Service branch. On 18.09.2009, the Second Party visited Vishrantwadi branch where he was informed by the Chief Manager, Vishrantwadi branch that his work at Service branch is not satisfactory, and as per the instructions of Chief Manager, Service branch, he should work at Vishrantwadi branch. It is contended that the Second Party then left the Vishrantwadi branch and not reported for duties on 18.09.2009 either at Vishrantwadi branch or Service branch. It is alleged that in defiance of the order, the Second Party reported again at Service branch on 19.09.2009 instead of Vishrantwadi branch and deliberately played a mischief of such a magnitude that the entire system of clearing of cheques was disrupted affecting not only the Service branch but also six other branches, due to which the First Party bank would have been put to huge financial loss, loss of reputation and litigation if the corrective measures were not taken by other officers of the branch. It is contended that the Second Party did not obey the order and went to Service branch and logged in Vishrantwadi branch by remaining physically present at Service branch. It is contended that due to which clearing transactions of Service branch involving huge amount got reflected in Vishrantwadi branch and the respective branches could not find clearing transactions in Service branch menu,

resulting into serious disruption in the clearing process. It is contended that the Second Party has done all these acts deliberately to put First Party bank in embarrassment, loss and to paralyze the operation. Accordingly, the inquiry was held by issuing charge-sheet dated 02.01.2010 to the Second Party, wherein the Second Party participated and defended himself. The Inquiry Officer submitted his findings on 28.03.2011 of which copy was given to the Second Party, and he submitted his reply on 12.05.2011. The Disciplinary Authority of the Second Party accepted the findings of the Inquiry Officer and issued order dated 08.06.2011 with corrigendum dated 29.06.2011 and imposed punishment of removal from service with superannuation benefits. Lastly, it is contended that the charges against the Second Party are legal and proved.

4. In view of the rival pleadings of both the parties, the following preliminary issues were framed by my learned predecessor vide Exh. O-4A. The said preliminary issues are reproduced herein below with my findings thereon for reasons to follow :

PRELIMINARY ISSUES	FINDINGS
1)Whether the Second Party proves that the departmental inquiry held against him is unfair, improper and in disregard to principles of natural justice ?	Yes.
2)Whether the findings given by the Inquiry Officer are legal and proper ?	No.
3)What order ?	As per final Order.

REASONS

As to Preliminary Issue No.1 :-

5. After going through the record of inquiry proceedings filed on record in respect of charge-sheet dated 02.01.2010, I find that the charges were read over and explained to the Second Party. Thereafter, inquiry proceedings were held during the period from 19.02.2010 to 22.02.2011. The Second Party actively participated in said inquiry and defended himself. He was allowed to cross examine the witnesses of management and was also allowed to adduce oral and documentary evidence on his behalf. The Second Party has duly submitted his statement of defence before the Inquiry Officer. The Inquiry Officer finally submitted his findings on 28.03.2011 and the copy of it was given to Second Party and he was given opportunity of making submissions on findings of the Inquiry Officer. The Second Party accordingly submitted his say on findings of the Inquiry officer on 12.05.2011. All these facts clearly shows that the inquiry was held against the Second Party by following principles of natural justice and it was a fair and proper inquiry. In fact, the Second Party failed to bring on record that the inquiry held against him was unfair and improper. I, therefore, answered Preliminary Issue No.1 in the affirmative.

As to Preliminary Issue No. 2 :-

6. The charges levelled against the Second Party vide charge-sheet dated 02.01.2010 issued by disciplinary authority are as follows :

(i) Disobedience of the lawful order of superiors amounting to act of gross misconduct under clause 5(e) of Bi-partite settlement of 1966.

(ii) Willful damage to the property of the bank or any of its customers which is an act of gross misconduct under clause 5(d) of Bi-partite settlement of 1966.

(iii) Doing an act prejudicial to the interest of the bank, which is likely to cause a loss to the bank, is an act of gross misconduct under clause 5(j) of Bi-partite settlement of 1966

(iv) Absent without leave is a minor misconduct under clause 7(a) of the Bi-partite settlement of 1966.

(v) Negligence in performing duties is a minor misconduct under clause 7(c) of the Bi-partite settlement of 1966.

Out of said charges, the charges at Serial No. (iii) and (iv) are not proved as per findings of the Inquiry Officer dated 28.03.2011.

7. It is the allegation against the Second Party that he has not followed the order of the superiors. According to the contention of the First Party, the Second Party was orally instructed to work at Vishrantwadi branch of the First Party instead of Service branch, where he was deputed. However, no written order in this regard filed on record to show that the Second Party was directed to work at Vishrantwadi branch. The First Party is a public body and not a private establishment of a person, where employees allotted work orally as per the will of the owner of the private estate. Thus, in the absence of written order/direction, it cannot be said that the Second Party was directed to work at Vishrantwadi branch from 19.09.2009. Moreover, Mr. Shaikh, the Chief Manager of Vishrantwadi branch, who according to the contention of the First Party informed the Second Party on 18.09.2009 to report back to

Vishrantwadi branch and Mr. Dange, the Manager of Service branch, who advised the Second Party to report back to Vishrantwadi branch on 19.09.2009 were not examined as witnesses before the Inquiry Officer for the reason best known to the First Party. So, in absence of both documentary as well as oral evidence of convincing nature, it cannot be said merely on the basis of hear-say evidence that on 18.09.2009 the Second Party visited the Vishrantwadi branch and asked by Mr. Shaikh to report at Vishrantwadi branch and on 19.09.2009, he was asked by Mr. Dange, Manager of Service branch to report back to Vishrantwadi branch.

8. It is contended that the Second Party logged in the system with Vishrantwadi branch as his sign on branch at Service branch and updated files, which created havoc as all the accounting entry and report were pushed to Vishrantwadi branch. However, Annexure "P" i.e. IDs of Tellers who have logged in from Service branch on 19.09.2009 clearly shows that the Second Party was not logged in from Service branch on 19.09.2009 as his name is not mentioned in Annexure "P". Moreover, there is lack of physical evidence to show that the Second Party logged in from any computer at Service branch and opened the system of Vishrantwadi branch from Service branch. In fact, when his name is not figured in the names of the 33 persons mentioned in Annexure "P" dated 19.09.2009 who logged in from Pune Service branch and even in the list of 15 persons, "not logged in" from Pune Service branch on 19.09.2009, it cannot be said that Second Party logged in from Service branch with his login ID of Vishrantwadi branch, particularly when there is lack of electronic evidence in this regard.

9. Therefore, in view of aforesaid discussion, it cannot be said that the Second Party was instructed to work at Vishrantwadi branch on 19.09.2009 and his signed on branch changed from Service branch to Vishrantwadi branch. So, question of rectifying the defaults caused by the Second Party does not arise as there is lack of clear cut evidence to show that differences caused due to wrong uploading by the Second Party. Hence, it cannot be said from the evidence brought before the Inquiry Officer that the Second Party has committed disobedience of lawful order of his superiors.

10. Another allegation against the Second Party is that he remained absent without leave from 16.09.2009 to 18.09.2009. According to the Second Party, he went on leave on these three days with prior intimation to one Mr. A.N. Kamble. Mr. A.N. Kamble was not examined before the Inquiry Officer to falsify said fact. Moreover, the Second Party filed two leave applications giving reasons of blood donation and illness about his absence from duty. The leave applications of the Second Party were admittedly put on record by the management of the First Party and supported by certificates issued by Jan Kalyan Rakth Pedhi and by registered medical practitioner. It is nowhere brought on record by the First Party that the leave applications of the Second Party were rejected and his leave of three days were made without pay and the payment of these three days leave was not granted to the Second Party by making deduction from his salary. So, it cannot be said that the leave of three days not granted to the Second Party. Hence, it cannot be said that the Second Party remained absent without sanctioned leave and the Inquiry Officer gave false and perverse findings without considering the evidence brought before it in proper prospective.

11. The charge No. 5 is regarding negligence in performing duty by the Second Party. However, as discussed above the first four charges/allegations not proved against the Second Party. Hence, it cannot be said that there was negligence on behalf of the Second Party in performing his duties. Hence, charge No. 5 is also not made out. I, therefore, held that the findings of the Inquiry Officer against the Second Party are not based on evidence brought before him and perverse. I, therefore, answered Preliminary Issue No. 2 in the negative.

12. In the result, I pass following order :

AWARD

1. It is hereby declared that the departmental Inquiry held against the Second Party was fair, proper and legal and held as per the principles of natural justice.
2. It is hereby declared that the findings given by the Inquiry Officer against the Second Party are not legal and proper but perverse.
3. The copy of Part I Award be sent to appropriate Government for publication.
4. No order as to the costs.

K. N. GAUTAM, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (62/2012) प्रकाशित करती है।

[सं. एल - 12012/78/2011- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.62/2012) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12012/78/2011- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/62/2012

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Sh. Gajraj Singh
S/o Bhawani Singh
R/o Ward No.1, Near Rai Ki Chakki,
Shakti Nagar, Bareli, District Raisen - ….Workman

Versus

The Regional Manager,
Central Bank of India, Regional Office,
Arera Hills, Jail Road,
BHOPAL(M.P.) – 462003 ….Management

AWARD

(Passed on this 06 day of October 2023.)

Reference is as follows.

> **Whether the action of management of central bank of india in terminating the services of Shri Gajraj Singh w.e.f. 28.04.2010 is legal and justified? What relief the workman concerned is entitled to.**

The central issue in question pertains to the legality and justification of the termination of services of Shri Gajraj Singh by the management of the Central Bank of India, with an effective date of 28.04.2010. Additionally, This Tribunal, convened in response to the reference made by the Ministry of Labour and Employment, Central Government, through its letter dated 19/30-04-2012, under reference number L-12012/78/2011-IR(B-II), has considered the matter at hand diligently and impartially.

The reference is tasked with determining the entitlement of the concerned worker to relief.

The worker, Shri Gajraj Singh, has asserted that he was employed in the office of the Central Bank's Management from 1993 until his abrupt termination in 2010. He contends that he diligently served the bank, performing a variety of roles, including those of an orderly, computer operator, and clerk. He alleges that his termination was executed without prior notice or compensation and is in contravention of legal provisions. In pursuit of justice, he initiated a service dispute with the Deputy Labour Commissioner, which remained unresolved, prompting this reference. Shri Gajraj Singh seeks reinstatement in his former service position, along with the recovery of back wages and associated benefits.

Conversely, the management of the Central Bank of India contends that Shri Gajraj Singh was never formally employed by the bank but rather engaged on a daily wage basis to perform duties within the staff canteen, occasionally including additional tasks such as mail distribution. The management maintains that Shri Gajraj Singh never completed 240 days of continuous work in any given year and was never appointed through the bank's regular recruitment process, rendering him ineligible for the entitlement of employment benefits. The management vigorously advocates for the resolution of this reference in their avour.

During the proceedings before this Tribunal, Shri Gajraj Singh provided a sworn affidavit to support his claims. However, the management declined to participate in cross-examination, leading to the closure of the opportunity for cross-examination. Additionally, the management failed to submit any corroborative evidence to substantiate their stance.

Furthermore, Shri Gajraj Singh filed an application requesting the management to produce relevant documents, such as vouchers and cheques pertaining to payments made during the relevant period. This application was granted by my predecessor in an order dated 19.07.2016. Regrettably, the management did not comply with this directive.

In light of the evidence presented, including documents marked as exhibit W1 to W11, which demonstrate a consistent pattern of communication between Shri Gajraj Singh and the bank, as well as payment vouchers spanning from 1999 to 2010, it is evident that Shri Gajraj Singh's claim of continuous employment for 240 days or more each year has been substantiated by credible documentary evidence. Consequently, his termination is determined to be in violation of Section 25 of the Industrial Disputes Act, 1947.

However, considering the circumstances and the fact that Shri Gajraj Singh was not formally appointed to a regular vacancy through the standard recruitment process, reinstatement to his previous service position is not deemed a suitable remedy. To ensure justice in this matter, I hereby award Shri Gajraj Singh a lump sum compensation of Rs 1,00,000/- in lieu of all his claims.

In conclusion, this Tribunal finds that the termination of Shri Gajraj Singh's services by the Central Bank of India is illegal and unjustified and is held entitled to a lumpsum compensation of Rs 1,00,000/- in lieu of all his claims to be paid by management bank within 30 days from the date of publication of award failing which interest at the rate of 6% per annum. The reference is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

Date : 6-10-2023 P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 463.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (38/2013) प्रकाशित करती है।

[सं. एल-12011/85/2012-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.38/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/85/2012- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL–CUM- LABOUR COURT, LUCKNOW

Present: Justice ANIL KUMAR**,** Presiding Officer

I.D. No. 38/2013

Ref. No. L-12011/85/2012-IR(B-II) dated: 18.04.2013

BETWEEN

Sh. J.M. Mishra, General Secretary
Central Bank Employees Congress (U.P),
MIG-C-1241, Rajaji Puram, Lucknow-17.

AND

Regional Manager, Central Bank of India, Regional Office
Bank Road, Gorakhpur.

AWARD

By order No. L-12011/85/2012-IR(B-II) dated: 18.04.2013 and subsequent corrigendum dated 02.07.2013 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the action of the management of Central Bank of India in denying the ½ wages to Sri Dinesh Kumar Pande, Part time Safai Karmachari from 18.04.2010 is legal and justified? What relief the workman is entitled to?"

In response to above said reference, on 01.10.2013 the claimant has filed statement of claim before this Tribunal, praying therein the following relief:

"अतः माननीय अधिकरण से प्रार्थना है कि उपरोक्त विवाद में सम्बन्धित कर्मकार के पक्ष में एवार्ड पारित करते हुए यह घोषित किया जाय कि सम्बन्धित कर्मकार दिनेश कुमार पाण्डेय सफाई कर्मचारी को दिनांक 24.09. 2004 से 1/2 वेतन न देना अनुचित एवं अवैधानिक है अतः प्रतिवादी बैंक को निर्देशित किया जाय कि 24.09.2004 से 17.04.2010 की अवधि में 1/2 वेतन पाने का अधिकारी मानते हुए प्राप्त वेतन व देय वेतन के अन्तर का भुगतान 18 प्रतिशत वार्षिक व्याज सहित देने का निर्देश करें।"

On behalf of respondent a written statement has been filed on 30.05.2014, in which preliminary objections were also taken.

Thereafter on 30.03.2015 on behalf of respondent a document was field (M-13) which reads as under:

"LIST OF DOCUMENTS

1. Copy of reply dated 03/04/2012 to RLC9C0 Lucknow

2. Copy of letter dated 24/09/2004

3. Copy of the lease deed executed on dated 28/01/2006"

Sri J.M. Mishra has filed an application of worker, Sri Dinesh Kumar Pandey, supported by an affidavit, which reads as under:

"For the facts, reasons and circumstances mentioned in the accompanying affidavit, it is most respectfully prayed that the claim statement and other application filed in this case by the Applicant may kindly be allowed to withdraw in the interest of justice."

Accordingly, Sri J.M. Mishra requests that as the relief claimed by claimant/applicant, already been granted by the respondent, so the present industrial dispute may be dismissed as withdrawn.

Sri Gaurav Gunjan learned counsel for respondent has no objection.

For the foregoing reasons, as the relief which sought by the claimant, as quoted hereinabove, in pursuance to reference dated 18.04.2013, modified vide corrigendum dated 02.07.2013 already been granted to him, so keeping in view said fact as well as facts stated in application dated 02.05.2023, supported with affidavit of the workman, the reference is dismissed accordingly.

Award as above.

Locknow

26th September, 2023

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 4 मार्च, 2024

का.आ. 464.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (79/2021) प्रकाशित करती है।

[सं. एल - 39025/01/2024- आई आर (बी-II)-09]

सलोनी, उप निदेशक

New Delhi, the 4th March, 2024

S.O. 464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 79/2021) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-39025/01/2024- IR(B-II)-09]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT LUCKNOW

PRESENT: Justice ANIL KUMAR, Presiding Officer

I.D. No79/2021

BETWEEN

Mohd. Nisar Ahmad S/o Lallan
Village- Jakhaniya Govind, Post- Jakhaniya District Gajipur (U.P.) 275203

AND

Regional Manager,
Union Bank of India, Shubhra Motel, Complex
Mahuva Bhagh Gajipur- 275203.

AWARD

Facts of the case:

Sri Nisar Ahmad /claimant filed claim petition dated 27.11.2009 before this Tribunal on 12.07.2021,facts in brief and relief claimed by claimant are as under:-

Mohd. Nisar Ahmad/ Workman was appointed as peon in the Union Bank of India Regional Office Subhra Motel Complex Mahuwa Bagh Gajipur (U.P.) in the year 1999.

On 27.11.2009 the services was terminated thereafter he raised an industrial dispute before the Additional Labour Commissioner in which the order was passed on 22.08.2019.

In view of the above said factual background claimant has filed the present claim petition dated 30.06.2021 before this Tribunal on 12.07.2021 with the following relief:-

प्रार्थना

अतः निवेदन है कि एवार्ड द्वारा निम्न उपशम दिलाये–

क– दिनांक 27.11.2009 से की गयी सेवा समाप्ति आदेश को अवैध ठहराये तथा नौकरी की वरिष्ठता के साथ कार्य पर बहाल कराये।

ख– बेकारी अवधि का वेतन व अन्य लाभ दिलाये।

ग– वाद का परिव्यय भी दिलाये।

On behalf of the respondent written statement has been filed on 20th March 2023 in which the following preliminary objection was taken.

Present claim statement filed under Section 2-A of the Industrial Dispute Act, 1947, is bad in the eye of law, inter-alia on the following grounds:-

(a) Because claim filed by applicant is belated one and specifically barred by the law of the limitation as such on this score application is liable to be rejected.

(b) Because applicant Sri Nisar Ahmad was not employed/appointed in the services of the Bank as such there was no question of termination of his services as mentioned in the claim statement by applicant.

(c) Because there was no employer and employee relationship between Sri Nisar Ahmad and opposite party bank at any point of time as such, he does not fall under the purview of the provisions of definition of workman as envisaged under Section 2(s), Industrial Dispute Act, 1947 as such there is no question of application of any provisions of Industrial Dispute Act,1947.

(d) Because present application is out of the purview of provisions as contained in Section 2(K) of Industrial Dispute Act, 1947.

Accordingly it is submitted by the respondent that present case filed by claimant is liable to be dismissed as barred by limitation.

I have heard learned counsel for claimant/workman Sri Vijay Vishwakarma and Sri Chandra Shekhar holding brief of Sri Gunjan Gupta on behalf of respondent and gone through the record.

In order to decide the preliminary objection, taken by respondent, it will be appropriate to go through aims and objects of Industrial Dispute Act, 1947.

In brief the same that Industrial Disputes Bill was introduced by the Government of India in the Legislative Assembly on the 28th October 1946. After the Select Committee's report on 3rd February 1947, with some amendments, it was passed in March 1947 and became the law from Ist April 1947 repealing the Trade Disputes Act 1929.

While retaining most of the provisions of the earlier law, this Act introduced two new institutions for the prevention and settlement of industrial disputes; works committees consisting of representatives of employers and workers; and machinery for industrial adjudication.

A reference to an industrial tribunal under this Act lies where both parties to any industrial dispute apply for such reference, and also where the appropriate Government considers it expedient so to do. An award of a tribunal has normally to be enforced by the Government and is binding on both parties to the dispute for such periods as may be specified, upto a maximum of one year. This Act seeks to give a new orientation to the entire conciliation machinery.

Another important new feature of the Act is the prohibition of strikes and lockouts during the pendency of conciliation and adjudication proceedings of settlements reached in the course of conciliation proceedings and of awards of industrial tribunals declared binding by the appropriate government.

Rules, orders or notifications requiring the larger industrial establishments to set up works committees were issued by the Government of India and most of the State Governments.

Objectives: General

The objectives of industrial relations and industrial disputes legislation, may be outlined as under:-

(i) Industrial Peace: For prosperity of industry, it is necessary that there be a continuous and growing production which is only possible if (a) there are no interruptions and stoppages in production i.e. absence of disputes, and (b) if the various agencies of production are satisfied and are in a harmonious bent to work. In other words, industrial peace is very necessary for the vitality of industry.

(ii) Economic Justice: All interruptions in production arising out of industrial dispute are really caused by the dissatisfaction of labour with their existing economic condition. The history of labour struggle is nothing but a continuous demand for fair return to labour expressed in varied forms e.g. (a) increase in wages, (b) resistance to decrease in wages, (c) grant of allowances and benefits etc.(***Hariprasad Vs. A.D.Divelkar, AIR 1957 SC 121***)

Social and economic justice which is the bedrock of our Constitution and economic organization also requires that any industrial relations or disputes legislation, to be effective remedial statute, must embrace not only law for regulation of labour relations with capital, process for channelizing collective bargaining methods for negotiation, mediation, conciliation and settlements of industrial conflict, but also a system for giving fair play and justice to labour and removal of economic injustice.

The preamble of the Act states that its main object is to make provision for investigation and settlement of industrial disputes. Viewed in the above background, the Industrial Disputes Act 1947 is a progressive piece of social legislation and is designed to settle the disputes on a new pattern known under the Act as adjudication machinery. The object of all labour legislation is to ensure fair wages and to prevent disputes so that production might not be adversely affected. (***Banaras Ice Factory Ltd. Vs. Its Workmen, AIR 1957 SC 167***)

The purpose of the Act is to provide machinery for a just and equitable settlement by adjudication, (***G. Claridge and Company Ltd. Vs. Industrial Tribunal, Bombay, AIR 1951 Bombay 100***) and amelioration of the conditions of workmen in industry.

Individual and collective industrial disputes: Individual as well as collective disputes may ripen into industrial disputes. The true nature of an individual dispute is that it is a collective dispute. Though a dispute may at the inception be initiated by an individual, yet if it is taken up by the fellow-workers or a union, or a sufficient number of workers, it may assume the collective character and would become an industrial dispute. (**Standard Vacum Oil Co. Errakulam Vs. I.Tribunal, Errakulam 1952-II LLJ 612**). A dispute which continues to retain its individual

character cannot be regarded as an industrial dispute. This being the basic law, it is within the competence of the legislature to widen or narrow the coverage of an industrial dispute. The Industrial Disputes Act has also been amended to cover some individual disputes. It is not necessary that a majority should take an industrial dispute. It is sufficient if a substantial group of workmen take it up. When thus taken, it becomes an industrial or collective dispute.

Individual dispute an industrial dispute: The important amongst the above are however the amendments of 1965. By the Act of 1965, a new Section 2A has been added in Act whereby specified categories of individual disputes are also deemed to be industrial disputes. The section reads as under:

"*2A. Dismissal, etc of an individual workman to be deemed to be industrial dispute-*

Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute."

This amendment revives, impediment in the way of workman with the necessity that to make an industrial dispute it must be taken up or espoused by substantial section of the workmen or any union of those workmen and gives an individual workman a remedy for security of his service and indirectly freedom to join or not to join any union. Thus, individual disputes could be referred to Tribunal as per Section 2A after 1.12.1965. (**National Productivity Council, 1969-II LLJ 186**).

Thereafter, by Industrial Disputes (Amendment) Act 2010 (Act No. 24 of 2010), Section 2A(a), was renumbered as Sub-section (1) and by the same Act i.e. Act No.24 of 2010 Sub-section (2) and Sub-section (3) have been inserted after Section 2A (1) of Industrial Dispute Act 1947 which came into effect w.e.f. 15.09.2010, which reads as under:

"2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute -

"(1) Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Notwithstanding anything contained in Section 10, any such workman as is specified in sub-Section(1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-Section(2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section(1)."

Now the core question to be considered is that in view of the facts which are stated hereinabove, that admittedly the services of applicant was terminated on 21.12.2001, thereafter he has filed the present case before this Tribunal u/s 2A of the Act on 28.02.2011 on the grounds as taken by him in his claim petition, is maintainable or barred by the period of limitation as provided u/s 2A(3) of the Act.

Answer to the said question find place in the judgment passed by Hon'ble the Karnataka High Court in ***ITC Infotech India Ltd. vs. Venkataramana Uppada ILR 2016 Karnataka 3041***, relevant potion quoted as under:

"19. Keeping the above principles in mind, a reading of Section 2A(3) would lead to an irresistible conclusion that time stipulated for invoking the jurisdiction of the Labour Court or the Tribunal as the case may be, has to be necessarily "before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-Section (1)." Time limit for making an application to the Labour Court stipulated in sub-Section (3) of Section 2A does not appear to have a bearing to the provisions of sub-Section (2) of Section 2A. In any event right conferred under Section 2A would lapse immediately preceding the date of expiry of three years from the date of dismissal, discharge etc.,. In other words, the limitation of three years prescribed under sub-Section (3) of Section 2A being mandatory, same cannot be condoned by taking recourse to Section 5 of the Limitation Act, 1963 which has no application to the provisions of Industrial Disputes Act, 1947.

20. It is well settled principle that if an act is required to be performed within a specified time, the same would primarily be mandatory. It has been held in the case of NAZIRUDDIN VS SITARAM AGARWAL reported in AIR 2003 SCW 908 to the following effect:

> *"The Courts jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case, the Court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of provision is plain and unambiguous. It cannot add or subtract the words to a statute or read something into it which is not there. It cannot re-write or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of legislature must be gathered from the language used."*

21. Thus, in the background of the dicta of the Apex Court in NAZIRUDDIN's case referred to supra, when Section 2A is perused, it would indicate that if the legislature really intended that the period of limitation provided in sub-Section (3) of Section 2A was to be construed as directory, then it would not have prescribed the limitation of three years and it would have used the words "at any time" instead of using the words "before the expiry of three years". Though the words at any time' is found in Section 10(1), same is conspicuously absent in sub-Section(3) of Section 2A which would clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-Section (3) of Section 2A and as such legislature did not employ the words at any time' in the said provision as found in Section 10(1) and in its place, it has specifically incorporated the words before the expiry of three years'. Hence, to interpret the period of limitation found in sub-Section (3) of Section 2A as directory and not mandatory would amount to adding something which is not provided in the provision by the legislature or it would amount to doing violence to the provision, if such interpretation is sought to be made."

And Hon'ble Rajasthan High court in the case of ***Pankaj Swami vs. Rajasthan State Road Transport Corporation & ors. MANU/RH/1788/2019*** after taking into consideration the provisions of sedation 2A(2) & 2A(3) of the Act held as under:

"The provisions are explicit, wherein the workman can approach the Labour Court for adjudication of the dispute in case of discharge, dismissal, retrenchment etc., however, sub-section (3) provides that the application should be made to the Labour Court before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified.

8. The submission made by learned Counsel for the petitioner that as the cause of action arose to the petitioner prior to introduction of the provision of limitation by sub-section (3) the same would have no application is concerned, the submission made is fallacious, inasmuch as, the provision under which the application has been filed by the petitioner i.e. section 2-A(2) of the Act, itself was introduced by the amendment Act of 2010 along with the limitation therein and therefore, the provision of limitation which was introduced in the year 2010 along with the main provision providing for the limitation would apply with all force and the submission that the same would have no application to the cause of action, which arose prior to 2007, has no basis.

The submissions as made, if accepted, would result in circumstances where if the cause of action has arisen post 2010, the same would be barred, whereas the causes, which arose prior to 2010 like in the year 2007 in the present case and the application is filed after 7 years, the same would never become barred by limitation, such a result is legally untenable.

9. The submission made by learned Counsel for the petitioner that as the petitioner had approached the Conciliation Officer and had raised the dispute before him, where there was no limitation and the petitioner approached the Labour Court only as per the directions of the Conciliation Officer the claim could not be rejected by barred by limitation also does not advance the cause of the petitioner, inasmuch as, the petitioner could have taken advantage of the said position, if the Conciliation Officer had sent a failure report to the appropriate Government who in turn had referred the dispute to the Labour Court. Merely because the Conciliation Officer suggested approaching the Labour Court, which suggestion was accepted by the petitioner, cannot be termed as a reference under section 10 of the Act to the Labour Court.

10. In view of the above discussion in so far as the rejection of the claim of the petitioner by the Labour Court being barred by limitation is concerned, the same cannot be faulted."

And in the case of ***Parthasarathy vs. Souther Pins and Products Pvt. Ltd. and Ors. MANU/TN/6691/2020*** Hon'ble the High Court of Madras has held as under:

"Inasmuch as the notice of termination of the Petitioner in the present case has been made on 06.10.2014 under Section 2-A(2) of the Act after the said amendment has come into force, the limitation of three years prescribed under Section 2-A(3) of the Act would necessarily apply. As such,

there is no infirmity in the decision-making process of the Labour Court in refusing to entertain the application made by the Petitioner has time barred. This view is supported by the decisions of this Court in the following cases:-

(i) ITC Infotech India Ltd. v. Venkataramana Uppada (Order dated 03.03.2016 in W.P. No. 27510 of 2015 passed by the High Court of Karnataka)

(ii) Management of Ashok Leyland v. Presiding Officer, Labour Court (Order dated 13.04.2016 in W.P. Nos. 9640 and 9641 of 2016 passed by this Court)

(iii) Ravi Kumar v. Management, Tamil Nadu State Road Transport Corporation (Order dated 11.04.2017 in W.P. (MD) No. 4269 of 2017 passed by the Madurai Bench of this Court)

(iv) K. Settu v. Assistant Engineer, Tamil Nadu Electricity Board (Order dated 20.09.2019 in W.P. No. 8413 of 2019 passed by this Court)

5. A feeble attempt is made on behalf of the Petitioner to suggest that the period of conciliation must be excluded while computing the limitation. It is, no doubt, true that Section 2-A(2) of the Act contemplates such application to be made to the Labour Court after the expiry of 45 days from the date of application to the Conciliation Officer is made. However, it does not require that the conciliation proceedings should have been completed before making that application under Section 2-A(2) of the Act. The words in Section 2-A(3) of the Act are clear enough that the limitation has to be reckoned on the expiry of three years from the date of termination. The Petitioner in the instant case had made the application for conciliation on 12.04.2017 which had also concluded on 27.06.2017, but the Petitioner had not approached the Labour Court after 45 days either from 12.04.2017 or even from 27.06.2017. As such, the contentions made on behalf of the Petitioner cannot be countenanced."

(see also Kandasamy Spinning Mills Private Ltd. vs S. Palanisamy and Ors. MANU/RN/6831/2019

Thus, in view of above said fact, combined reading of section 2A (2) and 2A (3) of the Act, the legal position which emerge out is that if a workman is aggrieved by order of discharge, dismissal, retrenchment or otherwise termination, he may approach the Tribunal within a period three years from dated of passing of order.

Taking into consideration, above said facts and position of law as well that "if law provides a particular thing that all other modes or methods of doing that thing must be deemed to have been prohibited", the said proposition of law is first held in the case of ***Tylor Vs. Tylor (1875) LR 1 ChD 426*** and adopted later by the ***Judicial Committee in Nazir Ahmed Vs. King Emperor AIR 1936 PC 253*** and thereafter by the Hon'ble Supreme Court in a series of judgments including those in ***Rao Shiv Bahadur Singh & another Vs. State of Vindhya Pradesh AIR 1954 SC 322, State of Uttar Pradesh Vs. Singhara Singh AIR 1964 SC 358, Chandra Kishore Jha Vs. Mahavir Prasad 1999 (8) SCC 266, Dhananjaya Reddy Vs. State of Karnataka 2001 (4) SCC 9 and Gujarat Urja Vikas Nigam Ltd. Vs. Essar Power Ltd. 2008 (4) SCC 755***.

In the case of ***Grasim Industries Ltd. Vs. Collector of Customs, Bombay, (2002) 4 SCC 297***, the Hon'ble Supreme Court held as under:-

"No words or expressions used in any statute can be said to be redundant or superfluous. In matters of interpretation one should not concentrate too much on one word and pay too little attention to other words. No provision in the statute and no word in any section can be construed in isolation. Every provision and every word must be looked at generally and in the context in which it is used. It is said that every statute is an edict of the legislature. The elementary principle of interpreting any word while considering a statute is to gather the mens or sententia legis of the legislature. Where the words are clear and there is no obscurity, and there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the Court to take upon itself the task of amending or alternating the statutory provisions. Wherever the language is clear the intention of the legislature is to be gathered from the language used. While doing so what has been said in the statute as also what has not been said has to be noted. The construction which requires for its support addition or substitution of words or which results in rejection of words has to be avoided".

Hon'ble the Apex Court in the case of ***Bhavnagar University Vs. Palitana Sugar Mill (P) Ltd., (2003) 2 SCC 111***, held as under:-

"24. True meaning of a provision of law has to be determined on the basis of what provides by its clear language, with due regard to the scheme of law.

25. Scope of the legislation on the intention of the legislature cannot be enlarged when the language of the provision is plain and unambiguous. In other words statutory enactments must ordinarily be construed according to its plain meaning and no words shall be added, altered or modified unless it is plainly

necessary to do so to prevent a provision from being unintelligible, absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute".

In the case of ***Harshad S. Mehta Vs. State of Maharashtra, (2001) 8 SCC 257***, it has been held as under:-

"There is no doubt that if the words are plain and simple and call for only one construction that construction is to be adopted whatever be its effect".

In the case of ***Union of India Vs. Hansoli Devo (2002) 7 SCC 273***, Hon'ble the Supreme Court observed as under:-

"9.It is a cardinal principle of construction of statute that when language of the statute is plain and unambiguous, then the court must give effect to the words used in the statute and it would not be open to the courts to adopt a hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act."

In the case of ***Patango Kadam Vs. Prithviraj Sayajiro Yadav Deshmukh (2001) 3 SCC 594***, took the view:-

"12. Thus when there is an ambiguity in terms of a provision, one must look at well-settled principles of construction but it is not open to first to create an ambiguity which does not exist and then try to resolve the same by taking recourse to some general principle."

Also, Hon'ble the Supreme Court in the case of ***Popat Bahiru Govardhane & others vs. Special Land Acquisition Officer & another (2013) 10 SCC 765*** has held as under:

"16. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigor when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute. "A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation."

(See Martin Burn Ltd. v. Corpn. of Calcutta10, AIR p. 535, para 14 and Rohitash Kumar v. Om Prakash Sharma11.)

In view the above said facts as well as that the workman/Sri Nisar Ahmad approached the Tribunal after expiry of period three years from the date of his termination, because his services were terminated on 27.11.2009 filed the present case on 12.07.2021 u/s 2A (2) of the Act, as such, the claim petition is barred by the period of limitation as provided u/s 2A (3) of the Act, liable to be rejected.

Accordingly, the same is rejected on the ground it is barred by period of limitation as per section 2A (3) of the Industrial Disputes Act, 1947, with liberty to the claimant to pursue its case before appropriate forum as per law.

Award as above.

Dated : 13-02-2024 Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 465.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.),के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ सं. CGIT/LC/R/89/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-31-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 465.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/89/2017) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, PO-Ujjwal Nagar, Bilaspur-(Chhattisgarh); The Addl. Manager & HR (Head), M/s Era Infra Engineering Ltd., Sector-62 -Noida (U.P.); The General Manager (O&M) NTPC, Seepat, PO-Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur, (Chhattisgarh), which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-31- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/89/2017

Present: P. K.Srivastava, H.J.S..(Retd)

Sh. Om Prakash Gangotri
President, Chhattisgarh Kramchari Mazdoor BILASPUR(Chhattisgarh) ….Workman

Versus

1. The Project Manager,
   Era Infra Engineering Ltd. NTPC,
   Seepat, PO-Ujjwal Nagar,
   BILASPUR (Chhattisgarh)
2. Addl. Manager & HR (Head)
   M/s Era Infra Engineering Ltd,
   c-56/41, Sector-62,
   NOIDA (U.P.) – 201301
3. The General Manager(O&M),
   NTPC, Seepat, Po- Ujjwal Nagar,
   BILASPUR (Chhattisgarh) ….Management

AWARD

(Passed on this 13day of February 2024 .)

1. As per letter dated 05.06.20217 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

> "**Whether the action on the part of M/s ERA INFRA Engineering ltd. A contractor working under the principal employer at NTPC, SEEPAT site in terminating the workman namely Smt. Laxmin Bai Wo Shri Rakesh not paying the terminal benefits as espoused by the president of the Chhattisgarh, kramchari Mazdoor ekta Union, Bilaspur is legal and justified without complying the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?.**"

2. After registering the case on the basis of reference, notices were sent to the parties.

3. Speed post Notices were duly served on the parties. They filed their appearances through their respective Learned Counsel. They sought various adjournments but workman side did not file their statement of claim. Management also did not file any written statement of defense.

4. Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

5. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 466.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/R/88/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-32-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 466.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/88/2017) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, PO- Ujjwal Nagar , Bilaspur-(Chhattisgarh); The Addl. Manager & HR (Head) , M/s Era Infra Engineering Ltd., Sector-62 -Noida (U.P.); The General Manager (O&M) NTPC, Seepat, PO- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur, (Chhattisgarh), which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-32- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, JABALPUR

NO. CGIT/LC/R/88/2017

Present: P.K.Srivastava, H.J.S..(Retd)

Sh. Om Prakash Gangotri
President, Chhattisgarh Kramchari Mazdoor BILASPUR (Chhattisgarh) ….Workman

Versus

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3. The General Manager(O&M),
   NTPC, Seepat, PO- Ujjwal Nagar,
   BILASPUR (Chhattisgarh) …Management

AWARD

(Passed on this 13 day of February 2024 .)

1. As per letter dated 09.06.20217 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

> "**Whether the action on the part of Mis ERA INFRA Engineering ltd. A contractor working under the principal employer at NTPC, SEEPAT site in terminating the workman numely Shri Krishan Kumar So Bodhiram Banerji and not paying the terminal benefits as espoused by the president of the Chhattisgarh, kramchari Mazdoor ekta Union, Bilaspur is legal and justified without complying the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"**

1. After registering the case on the basis of reference, notices were sent to the parties.

2. Speed post Notices were duly served on the parties. They filed their appearances through their respective Learned Counsel. They sought various adjournments but workman side did not file their statement of claim. Management also did not file any written statement of defense.

3. Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

4. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/87/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-33- आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 467.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/87/2017) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, PO- Ujjwal Nagar, Bilaspur-(Chhattisgarh); The Addl. Manager & HR(Head), M/s Era Infra Engineering Ltd., Sector-62 -Noida (U.P.); The General Manager (O&M) NTPC, Seepat, PO- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur, (Chhattisgarh), which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-33- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, JABALPUR

NO. CGIT/LC/R/87/2017

Present: P. K.SRIVASTAVA, H.J.S. (Retd)

1. Sh. Om Prakash Gangotri
President, Chhattisgarh Kramchari Mazdoor
BILASPUR (Chhattisgarh) …Workman

Versus

2. The Project Manager,
Era Infra Engineering Ltd. NTPC,
Seepat, PO-Ujjwal Nagar,
BILASPUR (Chhattisgarh)

3. Addl. Manager & HR (Head)
M/s Era Infra Engineering Ltd,
C-56/41, Sector-62,
NOIDA (U.P.) – 201301

4. The General Manager (O&M),
NTPC, Seepat, PO- Ujjwal Nagar,
BILASPUR (Chhattisgarh) …..Management

AWARD

(Passed on this 13day of February 2024 .)

As per letter dated 05.06.20217 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

"**Whether the action on the part of M/s ERA INFRA Engineering ltd. A contractor working under the principal employer at NTPC, SEEPAT site in terminating the workman namely Smt. Chhotray Besra S/o Shri Supai Besra and not paying the terminal benefits as espoused by the president of the Chhattisgarh, kramchari Mazdoor ekta Union, Bilaspur is legal and justified without complying the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"s**

After registering the case on the basis of reference, notices were sent to the parties.

Speed post Notices were duly served on the parties. They filed their appearances through their respective Learned Counsel. They sought various adjournments but workman side did not file their statement of claim. Management also did not file any written statement of defense.

Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर, एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/86/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-34-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 468.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/86/2017) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, PO- Ujjwal Nagar, Bilaspur-(Chhattisgarh); The Addl. Manager & HR (Head), M/s Era Infra Engineering Ltd., Sector-62 -Noida (U.P.); The General Manager (O&M) NTPC, Seepat, PO- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur,(Chhattisgarh), which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-34-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, JABALPUR

NO. CGIT/LC/R/86/2017

Present: P. K. Srivastava, H.J.S..(Retd)

Sh. Om Prakash Gangotri
President, Chhattisgarh Kramchari Mazdoor BILASPUR(Chhattisgarh) ….Workman

Versus

1. The Project Manager,
   Era Infra Engineering Ltd. NTPC,
   Seepat, PO-Ujjwal Nagar,
   BILASPUR(Chhattisgarh)
2. Addl. Manager & HR(Head)
   M/s Era Infra Engineering Ltd,
   c-56/41, Sector-62,
   NOIDA (U.P.) – 201301
3. The General Manager(O&M),
   NTPC, Seepat, Po- Ujjwal Nagar,
   BILASPUR(Chhattisgarh) ….Management

AWARD

(Passed on this 13day of February 2024 .)

1. As per letter dated 05.06.20217 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

"**Whether the action on the part of M/s ERA INFRA Engineering ltd. A contractor working under the principal employer at NTPC, SEEPAT site in terminating the workman namely Smt. Gangotri Bai D/o Shri Sukhman Ram and not paying the terminal benefits as espoused by the president of the Chhattisgarh, kramchari Mazdoor ekta Union, Bilaspur is legal and justified without complying the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"?".**"

2. After registering the case on the basis of reference, notices were sent to the parties.

3. Speed post Notices were duly served on the parties. They filed their appearances through their respective Learned Counsel. They sought various adjournments but workman side did not file their statement of claim. Management also did not file any written statement of defense.

4. Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

5. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रोजेक्ट मैनेजर,एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62, नोएडा (यूपी); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/R/85/2017) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था ।

[सं. एल- 42025-07-2024-35-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 469.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/85/2017) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, PO- Ujjwal Nagar , Bilaspur-(Chhattisgarh); The Addl. Manager & HR(Head), M/s Era Infra Engineering Ltd., Sector-62 -Noida (U.P.); The General Manager (O&M) NTPC, Seepat, PO- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur,(Chhattisgarh), which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-35-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, JABALPUR

NO. CGIT/LC/R/85/2017

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Sh. Om Prakash Gangotri
President, Chhattisgarh Kramchari Mazdoor, BILASPUR (Chhattisgarh) ….Workman

Versus

1. The Project Manager,
   Era Infra Engineering Ltd. NTPC,
   Seepat, PO-Ujjwal Nagar,
   BILASPUR(Chhattisgarh)
2. Addl. Manager & HR (Head)
   M/s Era Infra Engineering Ltd,

C-56/41, Sector-62,
NOIDA (U.P.) – 201301

3. The General Manager (O&M),
NTPC, Seepat, Po- Ujjwal Nagar,
BILASPUR(Chhattisgarh) ….Management

AWARD

(Passed on this 13day of February 2024 .)

1. As per letter dated 05.06.20217 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

> *"**Whether the action on the part of M/s ERA INFRA Engineering ltd. A contractor working under the principal employer at NTPC, SEEPAT site in terminating the workman namely Smt. Gauri Bai D/o Shri Runsu and not paying the terminal benefits as espoused by the president of the Chhattisgarh, kramchari Mazdoor ekta Union, Bilaspur is legal and justified without complying the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"?".**"*

2. After registering the case on the basis of reference, notices were sent to the parties.

3. Speed post Notices were duly served on the parties. They filed their appearances through their respective Learned Counsel. They sought various adjournments but workman side did not file their statement of claim. Management also did not file any written statement of defense.

4. Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

5. .Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्यपालक निदेशक, भारत हेवी इलेक्ट्रिकल्स लिमिटेड, भोपाल, के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, भेल कर्मचारी एवं ठेका श्रमिक संयुक्त मोर्चा 129, बागमुगलिया, भोपाल; कार्यकारी अध्यक्ष, ठेका मजदूर संघ, एल आई जी, साकेत नगर, भेल भोपाल, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/25/2021) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-36-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 470.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/25/2021) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Executive Director, Bharat Heavy Electricals Limited, Bhopal, and The President, BHEL Employees and Contract Workers United Front 129,Bagmugalia, Bhopal; The Executive President, Contract Labor Union, LIG, Saket Nagar, BHEL Bhopal, which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-36-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/25/2021

Present: P. K. SRIVASTAVA, H.J.S. (Retd)

1. अध्यक्ष,
   भेल कर्मचारी एवं ठेका श्रमिक संयुक्त मोर्चा 129,
   शिक्षक कांग्रेस (विद्या नगर) कॉलोनी,
   बागमुगलिया, भोपाल-462026

2. कार्यकारी अध्यक्ष,
   ठेका मजदूर संघ, एल आई जी, 27/3, सी
   साकेत नगर, भेल भोपाल-462026 ……Workman

Versus

1. कार्यपालक निदेशक,
   भारत हेवी इलेक्ट्रिकल्स लिमिटेड,
   भोपाल-462022 …..Management

AWARD

(Passed on this 13 day of February 2024 .)

1. As per letter dated 17.03.2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.--. The dispute under reference relates to:

> **"क्या प्रबंधन (बीएचईएल) भेल, भोपाल द्वारा उसकी स्थापना में नियोजित सोसायटी ठेकेदार के मार्फत ठेका श्रमिकों की न्यूनतम मजदूरी में प्रस्तावित 1600/- रुपये प्रतिमाह प्रति ठेका कमी की कटौती माह फरवरी 2021 के वेतन से करना न्यायोचित है? यदि नहीं, तो वे किस अनुतोष को पाने के हकदार हैं?**

2. After registering the case on the basis of reference, notices were sent to the parties.

3. Speed post Notices were duly served on the parties. Yet, none present for the parties inspite of sufficient service of notice. Workman side did not file their statement of claim. Management also did not file any written statement of defense.

4. Since the initial burden to prove his claim in on the workman side and they did not discharge this burden, hence holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

5. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, जे.एम.सी. प्रोजेक्ट्स (इंडिया) लिमिटेड, अहमदाबाद (गुजरात), के प्रबंधतंत्र के संबद्ध नियोजकों और श्री अनिल राय, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट के (संदर्भ सं. GIT/LC/R/90/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2024 को प्राप्त हुआ था ।

[सं. एल- 42025-07-2024-37 आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2024

S.O. 471.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/90/2019) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director ,J.M.C. Projects (India) Limited, Ahmedabad (Gujarat), and Shri Anil Rai,Worker, which was received along with soft copy of the award by the Central Government on 05.03.2024.

[No. L- 42025-07-2024-37-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, JABALPUR

NO. CGIT/LC/R/90/2019

Present: P. K. SRIVASTAVA H.J.S.. (Retd)

Shri Anil Rai,
Ex-Junior Constructional Executive,
R/o. Village : Kabia, Post – Basutol,
Thana – Bhagwanpur,
Disstt. Begusarai (Bihar) – 851133 …. Workman

Versus

The Director,
J.M.C. Projects (India) Limited,
A-104, Shapath-4, Opposite Karnavati Club, S.G. Road,
Ahmedabad (Gujarat) ….Management

A WARD

(Passed on this 14Th day of February-2024.)

As per letter dated 16/12/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number J-1(4-4)/2019-IR dt. 16/12/2019 . The dispute under reference related to :-

"क्या प्रबंधतंत्र डायरेक्टर, जे.एम.सी. प्रोजेक्ट्त (इंडिया) लिमिटेड, ए-104, शपथ-*4*, कर्णावती क्लब के सामने, एत.जी. रोड, अहमदाबाद (गुजरात) के प्रबंधन व्दारा श्री अनिल राव, भूपूर्व यूनियर कंसदक्तेल एक्जीक्यूटिव *3*-एक्जीक्यूशन की दिनांक 15.04.2011 से कार्य पर रहने जाने परचात् उसकी सेवाएं दिनांक: 25.04.2019 से समाप्त किये जाने की कार्यवाही न्यायोचित है*?* यदि नहीं, तो संबंधित आवेदक किस अनुतोष का हकदार है "

After registering a case on the basis of the reference received, notices were issued to the parties and were duly served on them.

The case of the workman, as taken in the statement of claim filed by him, is mainly that applied for his appointment against vacancy for the post of Senior Foreman, lying vacant with the management and was appointed after due process by the management vide, later dated March 28, 2011, directing him to report on duty on or before April 4, 2011. According to the offer of appointment, salary to be paid by management to the applicant was fixed monthly salary Rs. 8000/-plus usual allowances. Further his joining date was extended till April 15, 2011 and he was required by management to join his job on or before April 15, 2011. It is further, the case of the applicant Workman, he joined his job on April 15, 2011 in the site office of the management in NOIDA, Gautam Buddh Nagar in U.P.. He was granted permanent status by management after successful completion of one year vide order of the management, dated February 7, 2012 and was posted on the post of Senior Foreman from November 15, 2011. He was also granted increment from year to year. That is from 2012 to 2017. In September 2016, management issued transfer later vide order dated September 23, 2016, wherein he was transferred from NOIDA to J.M.C. Projects India in Gadwara District Narsinghpur M.P. and while working there, he was promoted to the post of Junior Construction Executive-III with effect from April1,2018. Thereafter, he was again transferred on February 22, 2019 two Nagarnar Dhanpunji District Jagdalpur Bastar . He made all preparations to join his new place of posting but

was informed by management that his transfer order was cancelled. Thus, he got his tickets cancelled on March 4, 2019. Thereafter, as it is the case of the applicant Workman, he was called on March 26, 2019 by his senior officer in the company and he was asked to submit his resignation on his own otherwise as he was threatened by management, he would be removed by management leveling serious allegations spoiling his future prospects .As stated by him, he submitted his resignation under duress and immediately submitted an application/complaint to the director of the company J.M.C. Projects India at its Calcutta headquarters stating all the facts also that he was forced to resign and that his resignation is not an act of his free will. According to the applicant Workman, the management terminated his services with effect from April 25, 2019 without any notice or compensation. He was not issued any charge sheet and also no enquiry was proceeded against him. His further case is that there are more than 300 employees in the management company. Hence, his termination is against section 25F, 25G and 25 N of Industrial Disputes Act 1947. Principle of first-come last go was also not followed in his case. Thus, according to the applicant Workman, the action of management is against law and is also unjustified in law. The applicant has a accordingly sought the relief of his reinstatement with all back wages and benefits.

In spite of service of notice on management, there never cared to appear nor did the file any written statement of defence. **Hence, the reference proceeded ex parte against management vide order dated 09/09/2021.**

In evidence, the workmen filed his affidavit and also filed and proved documents Ex W1 to Ex W12 which are the offer letter issued by the management, appointment letter issued by J.M.C.Project India, confirmation letter, promotion letter, salary revision, letter of his transfer, second promotion letter transfer letter of 2019, resignation letter, complaint letter sent by him to Director of the Company etc. his this affidavit is uncontroverted because there was no one for management to cross-examine him on his affidavit. Also, no evidence, documentary or in form of affidavit has been filed by management.

I have heard argument of Shri Arun Patel for applicant Workman and have gone through the record.

The relevant provisions, has referred to above, are being reproduced as follows-

The affidavit filed by the applicant Workman. In support of his claim is uncontroverted. The workman has corroborated his case as taken by him in his statement of claim. In the affidavit is further supported by documentary evidence produced and proved by him as mentioned above.

From the uncontroverted evidence in form of affidavit and documents, the case of the applicant Workman is established that his resignation was not an act of his free will and also that he was terminated from service not following the mandate of section 25F, 25G and 25N of the Industrial Disputes Act 1947. Hence, holding termination against law, the workmen deserves to be reinstated with all in service benefits, with the 40% of back wages. Accordingly, the references answered as follows.

AWARD

Holding the action of management terminating the services of the applicant Workman Anil Rai against law, the Workman is held entitled to be reinstated with all services benefits, including 40% back wages to be paid to him within 90 days from the date of award , failing which interest at the rate of 10% P.A.. No order as to cost.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 472.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (1290/2004) प्रकाशित करती है।

[सं. एल - 12012/239/99- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.1290/2004) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12012/239/99- IR(B-II)]

SALONI, Dy Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present - SUNIL KUMAR SINGH-I, Presiding Officer,

Dated 19th December, 2023

Reference (CGITA) No. : 1290/2004

The Chief Manager,
Bank of India,
Gopipura Branch, Subhash Chowk,
Surat (Gujarat) – 395003 …..First Party / Employer

V

Sh. Trikam P. Gambha,
B/13, Sarita Darshan Housing Society,
Near Gokul Row House, Umra Jaket Naka,
Surat (Gujarat) ..……Second Party / Workman

Advocate for the First Party / Employer: Ms. Meenaben Shah
Advocate or the Second Party / Workman: Shri Nirav K. Majmudar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/239/99 - IR(B-II) dated 14.01.2000 referred the dispute for adjudication to the Industrial Tribunal, Surat in respect of the matter specified in the Schedule. The dispute was later received by this Tribunal after its creation in the year 2004.

SCHEDULE

"Whether the action of the management of Bank of India Ahmedabad through its Officers in terminating the services of Sh. Trikam P. Gambha by way of dismissal from the bank services without notice vide punishment order dated 31.12.1996 of the Disciplinary Authority is legal, justified, proper and proportionate to the gravity of the charges allegedly to have been committed by the workman? If not, to what relief the workman Shri Trikam P. Gambha is entitled for and what other directions are necessary in the matter?"

1. The second party / workman submitted his claim at Ex. 7, stating that, he was working with the first party / employer as staff clerk since 01.12.1978 and has put in more than 18 years of unblemished service. The workman was suspended w.e.f. 29.07.1994 without any special reason. The employer bank conducted departmental enquiry after framing charges vide charge-sheet dated 26.12.1994 against the workman alleging to have aided / assisted his colleague / bank clerk Mr. K. J. Adhvaryu, who was said to have committed a fraud of Rs. 1,01,04,000/- with the bank without affording sufficient opportunities of hearing in contravention of mandatory provisions contained in Bipartite Settlement Clause 19.14 modified by Third Bipartite Settlement 1979. He was dismissed without notice from service w.e.f. 31.12.1996, while working at Gopipura branch of the bank at Surat. His departmental appeal was also dismissed on 01.03.1999. The workman has further pleaded that according to the departmental investigation report, there were 88 staff members shown to be involved in the alleged fraud but charge-sheet was issued only to 5 clerks and 5 officers. Out of 5 clerks, 4 clerks were given extreme punishment of dismissal without notice and 1 clerk was given punishment of compulsory retirement. Rest of the persons were not issued any charge sheet and they were still continued to work in the bank. The workman raised objection regarding the said fact, thereafter, only 23 staff members were issued charge-sheet but they were awarded lighter punishment. The higher authorities of the bank were involved in the alleged fraud committed during the period from 28.11.1988 to 13.06.1994. The enquiry officer has shown favour to the bank at each and every stage and failed to conduct the enquiry in accordance with

the principals of natural justice. The findings of the enquiry officer were biased. Prayed to declare the punishment of dismissal from service vide order dated 31.12.1996 as illegal, improper, unjustified and disproportionate and to reinstate him with continuity of service with full back wages along with all consequential benefits.

2. The first party / employer has submitted written statement at Ex. 8, stating that the second party / workman was by virtue of his continuous act of wilful and intentional acts, aided, assisted and enabled Shri K. J. Adhvaryu, staff clerk of Gopipura branch of the bank, to commit a fraud of Rs. 1,00,04,000/- (Rs. 1,01,04,000/- as per statement of claim and departmental enquiry). A suspension order dated 19.07.1994 (29.07.1994 as per record) and detailed charge-sheet were served to the workman. The charges levelled against the workman were proved in the proper and fair departmental enquiry after observing principles of natural justice. Considering the gravity and seriousness of the charges proved against the workman, he was issued said dismissal / punishment order without notice. Prayed to dismiss the claim of the second party / workman.

3. The second party / workman has not filed any documentary evidence, however, has deposed himself at Ex. 16 in oral evidence.

4. The first party / employer has not filed any documentary or oral evidence.

5. Perused the records. Heard, Shri Nirav K. Mujmudar, advocate for the second party / workman in light of his written arguments at Ex. 129, Ex. 132 & Ex. 137 and Ms. Meenaben Shah, advocate for the first party / employer bank in light of her written arguments at Ex. 130, Ex. 131, Ex. 133 and Ex. 138.

6. The main points for consideration under reference are as under:

(1) Whether the departmental enquiry conducted against the workman by the employer bank is legal?

(2) Whether the dismissal of the workman Shri Trikam P. Gambha vide employer bank's order dated 31.12.1996, which is based on the outcome of the departmental enquiry report dated 07.11.1995 (as per requisitioned record), is sustainable?"

7. Firstly, in respect of legality of the departmental enquiry, it is pertinent to mention that the workman was dismissed on the outcome of the departmental enquiry conducted by the employer bank on the charge-sheet dated 26.12.1994 shown below.

"CHARGESHEET

During the course of your duties as staff clerk at Bank's Gopipura Branch, you are alleged to have committed the misconducts as detailed herein below:

"On 17.10.1980 Shri K. J. Adhvaryu, staff clerk, opened a Joint Savings Bank A/c No. 38344 at Bank's Surat (Main) Branch, jointly with his elder brother Shri H. J. Adhvaryu. Likewise Shri K. J. Adhvaryu has also opened salary S.B. A/c No. 12831 on 30.4.1987 at Bank's Gopipura Branch, Joint S.B. A/c No. 13944 on 12.8.88 at Gopipura Branch, NRE S.B. A/c No. 15787 in his brother Shri H. J. Adhvaryu's name and 2 Joint OD A/cs. No. 12114 and 12115 with his wife Smt. Rekhaben K. Adhvaryu. During 28.11.1988 to 13.6.1994 fraud was perpetrated by staff clerk Shri K. J. Adhvaryu by manipulating Bank's records and destroying / removing cheques and / or debit notes drawn on Surat (Main) Branch in his Joint S.B. A/c No. 38344 (where only a meagre balance was maintained) deposited by him at Gopipura Branch in his various accounts detailed above, after credit entries were made in his account and fraudulently withdrew and misappropriated large amount from Gopipura Branch and cheated the Bank to the tune of Rs. 1,01,04,000/-.

With an intention to aid and assist Shri K. J. Adhvaryu to perpetrate the aforesaid fraud, you have allowed Shri K. J. Adhvaryu to deposit an amount of Rs. 70,000/- in cash in your salary S/B A/c No. 16105 at Gopipura Branch and thereafter you issued a cheque for a like amount favouring Shri H. J. Adhvaryu, brother of Shri K. J. Adhvaryu for credit of his NRE S/B account in gross violation of RBI Regulations.

In continuation of your aforesaid design to assist Shri Adhvaryu and enable him to perpetrate the aforesaid fraud, you have deposited local cheques in NRE A/c of his brother on 6.8.93 for Rs. 50,000/- drawn on Bank of Baroda and on 12.8.1993 for Rs. 1,50,000/- drawn on Surat Textiles Traders Co-op. Bank Ltd. These acts have been done by you in gross violation of the RBI guidelines.

During the period Shri K. J. Adhvaryu was committing the aforesaid fraud, you had received money from Shri Adhvaryu on several occasions particularly on 7.2.1991 for Rs. 10,000/- and on 2.5.1994 for Rs. 10,000/- respectively from Shri K. J. Adhvaryu's Joint S/B A/c No. 13944 and Salary S/B A/c No. 12831. These amounts were received by you soon after Shri K. J. Adhvaryu had committed the fraud on 6.2.1991 and 27.4.1994 respectively in these accounts.

2. By your aforesaid continuous acts of wilful and intentional commission / omission, you have aided, assisted and enabled Shri K. J. Adhvaryu, Staff Clerk of Bank's Gopipura Branch to commit the aforesaid

fraud and cheat the Bank to the tune of Rs. 1,01,04,000/-. By your aforesaid intentional acts you have caused prejudice to the Bank's interest to the extent as stated above.

3. Your aforesaid act, if proved, would amount to acts of gross misconduct in terms of para 19.5 (j) of the First Bipartite Settlement dated 19.10.1966 and as amended from time to time, which reads as under:

19.5 (j): Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss."

8. I have carefully gone through the entire material / evidence on record. At the very outset, it is worth mentioning that the departmental enquiry was also challenged by the workman as illegal vide Para 4 of his statement of claim at Ex. 7. The then Presiding Officer vide order dated 19.03.2002 passed at Ex. 12, directed that as the workman has also challenged the enquiry, the Tribunal will give a finding on the legality of the enquiry. Thereafter, the then Presiding Officer has decided the issue of 'legality of enquiry' as preliminary issue on 11.07.2019, which reads as under.

"…<u>ORDER</u>

1. The then Presiding Officer on 19.03.2002 vide order Ex. 12 has held that the workman has challenged the enquiry, therefore, this Tribunal will give a finding on the legality of the enquiry.
2. The workman in Para 4 of statement of claim Ex. 7 has alleged that he was served with a suspension order and charge-sheet on 29.07.1994 and 26.12.1994 respectively. He was subjected to departmental enquiry wherein the principles of natural justice and the provisions of bi-partite settlement were not followed and charges were vague. He has further submitted that vide letter dated 04.10.1995, the Enquiry Officer on his application passed an order that audit report and FIR registered against another workman Ardhvaryu are privileged documents, therefore, they cannot be given and copies of report of Investigation Officer, reporting of fraud by Bank and statement of Ardhvaryu shall be given to him but the workman has submitted that aforesaid documents were not privileged documents and copies of the documents promised to be given by the Enquiry Officer were not given to him.
3. As the issue of illegality of enquiry was raised by the then Presiding Officer, therefore, neither the workman nor the first party employer submitted any written submissions. Both simply submitted the written arguments but neither of them addressed the aforesaid issues in their written arguments.
4. The first party employer failed to show me any rule or manual that audit report and FIR registered against another workman Ardhvaryu can be claimed as privileged documents. The first party employer has failed to give any proof that copies of report of Investigation Officer, reporting of fraud by Bank and statement of Ardhvaryu were served on the workman. Therefore, denial of providing these aforesaid documents which can be said to be basis of the enquiry report as well as the proof of charge will be said to be violation of principles of natural justice.
5. Therefore, on the basis of the aforesaid discussions, the departmental enquiry is hereby declared as illegal. The first party employer Bank of India is directed to lead evidence to prove the charges.
6. Fixing on 03.09.2019 for evidence of the first party employer Bank of India."

9. The aforesaid order dated 11.07.2019 does not seem to have been challenged at any appropriate forum by the employer according to the available records. The aforesaid order, declaring the 'departmental enquiry' as illegal, has thus attained finality. The issue number no. 1 stood decided in favour of the workman and against the employer.

10. Secondly, it is to be seen as to whether the said dismissal / punishment order can be sustained in aforesaid circumstances.

11. Ld. Counsel for the second party / workman has argued entirely as narrated in the statement of claim at Ex. 7 and in line with his written arguments submitted at Ex. 129, Ex. 132 & Ex. 137. He has emphasized that the departmental enquiry conducted by the employer bank has already been declared as illegal by this Tribunal on 11.07.2019. Thereafter, the employer bank was afforded many opportunities to lead evidence for proving the misconduct of the workman but no evidence was led by the employer till date. The employer has miserably failed to prove any misconduct against the workman. Requested to set aside the dismissal order and grant the claimed relief.

12. Ld. Counsel for the employer has argued in line with the written statement at Ex. 8 and her written arguments at Ex. 130, Ex. 131, Ex. 133 and Ex. 138. Nothing has been argued as to why evidence to prove

misconduct of the workman was not led before this Tribunal. However, she has argued that the workman has neither pleaded nor deposed that he was not gainfully employed during the period under enquiry, hence, he cannot be granted the relief of full back wages. She has referred Management of Regional Chief Engineer, P.H.E.D., Ranchi V Their Workmen, rep. By District Secretary, 2019 (1) LLN 284 (SC), wherein Hon'ble Supreme Court has held that back wages cannot be ordered as a matter of right. Workmen should prove that they had no earning to maintain themselves during the relevant period.

13. In view of the arguments advanced by Ld. Counsels for both the parties, it is an undisputed fact that the departmental enquiry has been declared by this Tribunal as illegal. Hon'ble Supreme Court in Kurukshetra University V Prithvi Singh, 2018 LLR 371 SC, has held that if the preliminary issue on the validity of enquiry is decided in favour of the workman, the management is entitled to lead evidence afresh before the Labour Court to prove the misconduct against the workman. This Tribunal, while declaring 'departmental enquiry' as illegal, fixed this case on 03.09.2019 for evidence of the first party / employer / Bank of India to lead evidence for proving the charges (misconduct) against the workman. Thereafter, various opportunities were afforded to the employer bank to lead evidence but for no avail. This Tribunal, on 02.03.2023 was compelled to close the opportunity of the employer bank to lead evidence. Ld. counsel for the employer bank, though appeared regularly and specifically on the very next date i.e. on 17.04.2023, no application was moved to afford any further opportunity to the employer to lead evidence and lastly, arguments were heard on behalf of both the parties at the stage which was existing as on 11.07.2019, i.e. when the Tribunal declared the 'departmental enquiry' as illegal.

14. No evidence has been led by the employer at all to prove the misconduct of the employee after the declaration of the 'departmental enquiry' as illegal by this Tribunal on 11.07.2019. Mere an act of the workman, allowing his colleague / staff clerk Shri K. J. Adhvaryu to deposit an amount of Rs. 70,000/- in cash in his salary S/B A/c No. 16105 at Gopipura Branch of the bank and thereafter, workman, paying back by issuing a cheque for a like amount favouring Shri H. J. Adhvaryu, brother of Shri K. J. Adhvaryu for credit of his NRE S/B account, cannot be treated to be based on malafide for want of any evidence on behalf of the employer. In these circumstances, the dismissal / punishment order cannot be sustained. This Tribunal has thus no other option but to set aside the dismissal / punishment order dated 31.12.1996 and to grant appropriate relief to the workman. The second issue is also decided in favour of the workman and against the employer bank.

15. Perusal of only deposition of the workman Shri Trikam P. Gambha shows that he completed his deposition on more than one occasion. He was 52 years of age mentioned in his examination-in-chief recorded on 16.01.2004. This suggests that he has attained the age of superannuation in the year 2012. Hence, he can be reinstated only notionally. As far as the question of back wages is concerned, the workman has neither pleaded nor deposed that he was not gainfully employed after his dismissal. Hon'ble Supreme Court in Management of Regional Chief Engineer, P.H.E.D., Ranchi (supra), in the similar facts, though opined that the workmen should prove that he had no earning to maintain themselves during relevant period but considered it just and proper in the interest of justice to award 50 % of total back wages. That apart, in the instant case, the employer bank has also failed to produce any positive evidence to the extent of his onus to the fact that the workman was gainfully employed during the relevant period. Therefore, in the totality of facts and circumstances and particularly considering the duration of more than 18 years of service rendered by the workman, it deems just and proper to award 50 % of total back wages with consequential benefits.

16. The workman Shri Trikam P. Gambha is thus notionally reinstated. He shall be entitled for 50 % of total back wages from his suspension order dated 29.07.1994 till attaining the age of superannuation with all consequential / retiral benefits within two months from the date of publication of award.

17. The award is passed accordingly.

Let two copies of the Award be sent to the appropriate Government for the needful and for publication.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 473.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (97/2012) प्रकाशित करती है।

[सं. एल - 41011/30/2012- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 473.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.97/2012) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L- 41011/30/2012- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, AHMEDABAD

Present : Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court, Ahmedabad,

Dated 8th December, 2023.

Reference: (CGITA) No- 97/2012

The Divisional Railway Manager,
Western Railway, Pratap Nagar,
Baroda. …...…….First Party

V

The Assistant General Secretary,
Paschim Railway Karmachari Parishad,
B/28, Narayan Park,
Behind Chandkheda Railway Station,
Sabarmati, Ahmedabad(Gujarat) …….Second Party

Advocate for the First Party : None

Advocate for the Second Party : Shri R. S. Sisodia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/30/2012-IR(B-I) dated 21.05.2012 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the Union, Paschim Railway Karmachari Parsishad for withdrawal of Notice of Penalty dated 20/10/1999 issued to Shri M.N. Pathan, Chief Luggage Supervisor, is legal and justified? To what relief the workman/union is entitled?"

1. The matter was called out. None responds for the First Party/employer. Shri R. S. Sisodiya, The President, Paschim Railway Karmachari Parishad, representing the second party workman/union filed withdrawal pursis vide Ex.5 and prayed for the withdrawal of the reference simplicitor. The withdrawal application Ex.5 is allowed. The reference stands withdrawn accordingly. The record may be consigned after due formalities.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 474.—औघोगिक विवाद अधिनियम, 1947 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पश्चिम रेलवे** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (177/2013) प्रकाशित करती है।

[सं. एल - 41011/37/2013- आईआर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.177/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L- 41011/37/2013-IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, AHMEDABAD

Present: Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court, Ahmedabad,

Dated 8th December, 2023.

Reference: (CGITA) No- 177/2013

1. The General Manager,
   Western Railway, Churchgate,
   Mumbai-400020.
2. The Divisional Railway Manager,
   Western Railway, Kothi Compound,
   Rajkot.
3. The Divisional Railway Manager,
   Western Railway, Near Chamunda Bridge,
   Asarwa, Ahmedabad(Gujarat) …...…….First Party

V

The President,
Paschim Railway Karmachari Parishad,
B/28, Narayan Park,
Behind Chandkheda Railway Station,
Sabarmati, Ahmedabad(Gujarat) ……Second Party

Advocate for the First Party : None

Advocate for the Second Party : Shri R. S. Sisodia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/37/2013-IR(B-I) dated 30.09.2013 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the President, Paschim Railway Karmachari Parishad, Ahmedabad against the DRM, W.R., Rajkot and DRM, W.R., Baroda to consider the training programme for six months instead of three years of Shri Gamjibhai Baria and seniority list be made accordingly, is legal fair and justified? If so, then to what relief the above workmen are entitled to?"

1. The matter was called out. None responds for the First Party/employer. Shri R. S. Sisodiya, the President, Paschim Railway Karmachari Parishad, representing the second party/workman filed withdrawal pursis vide Ex.6 and prayed for the withdrawal of the reference simplicitor. Application Ex.6 is allowed. The reference stands withdrawn as prayed. The record may be consigned after due formalities.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 475.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पश्चिम** रेलवे के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (110/2019) प्रकाशित करती है।

[सं. एल - 41011/22/2019- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.110/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L- 41011/22/2019- IR(B-I)]

SALONI, Dy Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present: Sunil Kumar Singh-I,
Presiding Officer, CGIT cum Labour Court, Ahmedabad,
Dated 12th January, 2024

Reference (CGITA) No. - 110/2019

1. The Divisional Railway Manager,
   Western Railway, Pratapnagar,
   Vadodara (Gujarat) – 390004.
2. The Station Master of Ode Railway Station,
   Western Railway, Ode Railway Station,
   Ode, Dist. ANAND (GUJARAT)-388001. . …….First Party/Employer

V

The Secretary,
Indian Raliway Labour Federation,
28-B,Narayan Park,
B/h. Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat) – 382470. …….Second Party/Workmen

Advocate for the First Party/employer : None.
Advocate for the Second Party/workman : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/22/2019-IR(B-I) dated 14.06.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the Secretary, Indian Railway Labour Federation, Ahmedabad against the Divisional Railway Manager, W.R., Vadodara to grant MACP and pending salary from 16.02.2013 to 30.07.2013 to Shri Manu Asha is legal, fair and justified? If so, then what relief Shri Manu Asha is entitled to?"

1. The case was taken up today. None responds for either of the parties. The notice Ex. 2 was served on both the parties by acknowledgement Ex. 3 to 5, wherein the second party was asked to submit the statement of claim on 07.11.2019. SP workman/union has not been turning up despite several opportunities since 07.11.2019 despite service vide AD Ex.5. It appears that the SP workman/union is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered in negative against the SP workman/union for want of evidence accordingly.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 476.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (116/2019) प्रकाशित करती है।

[सं. एल - 41011/25/2019- आईआर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 116/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L- 41011/25/2019- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, AHMEDABAD

Present: Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court, Ahmedabad,

Dated 12th January, 2024

Reference (CGITA) No. - 116/2019

The Sr. Divisional Signal and Telecom Engineer,
Western Railway, Asarwa,
Nr. Chamunda Bridge,
Ahmedabad (Gujarat) – 382345. . …….First Party/Employer

V

The Secretary,
Indian Raliway Labour Federation,
28-B,Narayan Park,
B/h. Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat) – 382470. …….Second Party/Workmen

Advocate for the First Party/employer : None.
Advocate for the Second Party/workman : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/25/2019-IR(B-I) dated 09.08.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of the Secretary, Indian Railway Labour Federation, Ahmedabad against the Sr. Divisional Signal and Telecom Engineer, W.R., Ahmedabad to grant promotion and MACP to Shri Rajbahadur R. Maurya at par with his junior is legal, fair and justified? If so, then what relief Shri Rajbahadur R. Maurya is entitled to?"

1. The case was taken up today. None responds for either of the parties. The notice Ex. 2 was served on Second Party/workman's union by acknowledgement Ex. 3 , wherein the second party was asked to submit the statement of claim on 07.11.2019. SP workman/union has not been turning up despite several opportunities since 07.11.2019 despite service of notice vide AD Ex.3. It appears that the SP workman/union is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered in negative against the SP workman/union for want of evidence accordingly.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 477.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पश्चिम रेलवे** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (108/2019) प्रकाशित करती है।

[सं. एल - 41011/23/2019- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.108/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L- 41011/23/2019- - IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT, AHMEDABAD

Present: SUNIL KUMAR SINGH-I,
Presiding Officer, CGIT cum Labour Court, ,
Dated 12th January, 2024

Reference (CGITA) No. - 108/2019

1. The Divisional Railway Manager,
Western Railway, Asarwa,
Nr. Chamunda Bridge,
Ahmedabad (Gujarat) – 380016.

2. The Divisional Railway Manager,
Western Railway, Kothi Compound,
Rajkot -360001.

3. The Asstt. Divisinal Engineer,
Western Railway,

Sabarmati, D-Cabin,

Ahmedabad (Gujarat) – 380019. …….First Party/Employer

V

The Secretary,
Indian Raliway Labour Federation,
28-B,Narayan Park,
B/h. Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat) – 382470. …….Second Party/Workmen

Advocate for the First Party/employer : None.
Advocate for the Second Party/workman : None.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/23/2019-IR(B-I) dated 01.07.2019 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether there is any anomaly on the part of the management of Divisional Railway Manager, W.R., Ahmedabad/Rajkot in fixation of pay of late Shri Ashabha Som and consequent fixation of family pension anf other retiremental benefits? If so, what directions are necessary in the matter?"

1. The case was taken up today. None responds for either of the parties. The notice Ex. 2 was served on both the parties by acknowledgement Ex. 3 & 4, wherein the second party was asked to submit the statement of claim on 07.11.2019. SP workman/union has not been turning up despite several opportunities since 07.11.2019 despite notice vide A/D Ex.4. It appears that the SP workman/union is not interested to proceed further in the matter. There is no evidence on record to substantiate the claim of the workman under reference. In the circumstances, the claim under scheduled reference is answered against the SP workman/union for want of evidence accordingly.

2. The reference is answered accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 478.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (57/2013) प्रकाशित करती है।

[सं. एल - 37011/27/2012- आईआर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 57/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Kandla Port Trust and their workmen.

[No. L- 37011/27/2012- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present: Sunil Kumar Singh-I,

Presiding Officer, CGIT cum Labour Court, Ahmedabad,

Dated 18th December, 2023.

Reference: (CGITA) No- 57/2013

The Secretary,

Kandla Port Trust,

Administrative Office,Post Box No.50,

Gandhidham(Kutch) Gujarat-370201.

ADIPUR(Kutch). …...…….First Party

V

The General Secretary,

Transport & Dock Workers Union,

21, Yogesh Building,

Plot no.586,12-C,

Gandhidham(Kutch),

ADIPUR(Kutch). …….Second Party

Advocate For the First Party : Shri K. V. Gadhia & Shri M. K. Patel

Advocate For the Second Party : Shri N. H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/27/2012-IR(B-II) dated 08.03.2013 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of KPT Management in not regularizing the services of Shri Fakir Mohammed Bachalshah, D/R Khalasi even though he has competed 240 days in many years since March, 1978 is justified? What relief the applicant is entitled to?"

1. Today matter is called out. Shri K. V. Gadhia & Shri M. K. Patel Ld. Advocates are present for the First Party/employer. Shri N. H. Rathod, representing second party, the General Secretary, Transport & Dock Workers Union, Gandhidham has filed withdrawal pursis vide Ex.-9 along with union's letter dated 09.10.2023 vide M-9/1, wherein it is prayed that the aforesaid union does not want to pursue the matter further as the workman has already expired. Withdrawal is not opposed by First Party. The aforesaid union is permitted to withdraw the reference as prayed. Therefore, the reference is disposed of as withdrawn.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 479.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **यूको बैंक** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (11/2020) प्रकाशित करती है।

[सं. एल- 12012/01/2020- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.11/2020) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen.

[No. L- 12012/01/2020- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO.11 OF 2020

Parties : Employers in relation to the management of

UCO Bank

M/s. Yad Angad Security

AND

Sri Prakash Kumar Raha & Ors.

Appearance :

On behalf of the Management of UCO Bank: Ms.Manika Roy, Ld. Advocate.

On behalf of the Contractor Employer: Absent.

On behalf of the Union/Workmen: Absent.

Dated: 15th February, 2024

AWARD

Today too the workmen are found absent when the matter is called. Non-appeared on behalf of the workmen/union on repeated calls.

Bank is represented by its Ld. Counsel and who seeks time to file list of documents and list of witnesses.

Be that as it may, the record shows union/workmen have stopped pursuing with the present dispute since 15-05-2023 and thereafter failed to appear on subsequent dates.

Such conducts on the part of the workmen/union shows that workmen/ union are no more interested to pursue with the present dispute.

By order No. L-12012/01/2020–IR (B-II) dated 10-06-2020, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

"Whether the action of the management of UCO Bank and their service provider M/s. Yad Angad Security in terminating the services of 28 Security Guards, Shri P.K. Raha and others (as per list enclosed) working in

different places of UCO Bank premises in West Bengal w.e.f. 30-04-2017 and in not making the payment of arrear wages, is legal and justified? If not, what relief the concerned workmen are entitled to?"

Record shows, the workmen who have raised the dispute have filed their statement of claim along with documents on which they rely but they have failed to substantiate and prove the contents of their claim statement and the documents on which they rely.

That apart, non-pursuance of the dispute by those 28 workmen since 15-05-2023 give rise to a presumption that they are no more interested to pursue with the dispute.

Therefore, in view of the above 'no dispute award' is passed. Accordingly, Reference Case No.11 of 2020 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 480.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **भारतीय स्टेट बैंक** के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (591/2004) प्रकाशित करती है।

[सं. एल - 12012/306/2003- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.591/2004) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L- 12012/306/2003- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present - Sunil Kumar Singh-I,

Presiding Officer, CGIT-cum-Labour Court,

Ahmedabad,

Dated 08th December, 2023

Reference (CGITA) No. 591/2004

The Chief General Manager,

State Bank of India,

Local Head Office, Bhadra, Lal Darwaja,

Ahmedabad (Gujarat) …….First Party / Employer

V

Shri Rajubhai S. Vaghela,

Village – Chandkheda, IOC Road,

Inside Saraswati Mahadev, Tenament No. 69,

Ahmedabad (Gujarat) ..……Second Party / Workman

Advocate for the First Party / Employer: Ms. Meenaben Shah

Advocate for the Second Party / Workman: Shri P. C. Chaudhari

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/306/2003 - IR(B-I) dated 08.04.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad in respect of the matter specified in the Schedule. The dispute was later received in this Tribunal after its creation in the year 2004.

SCHEDULE

"Whether the action of the Chief General Manager, State Bank of India, Ahmedabad in terminating the services of Shri Rajubhai S. Vaghela without paying him any retrenchment benefit is justified and legal? If not, to what relief the workman is entitled to?"

1. The second party / workman submitted the statement of claim at Ex. 4 in Gujarati language along with its English translation, stating that, he had served for 18 years & 9 months in Military and lastly performed his duties as Hawaldar in Artillery Depot in Pathankot / Kashmir. He was working with the first party / bank as watchman since 01.09.2000. In compliance of the order dated 26.01.2001 of emplolyer bank, he joined at Lakadiya branch of the bank under Bhachau Taluka in Kutch in two shifts of 12 hours each. Under the instructions of the employer bank, he went to join at the Lal darwaja branch of the bank but was not permitted to join on 16.02.2002. The workman has been retrenched by the employer bank's Lakadia branch without any notice and notice pay. The retrenchment of the workman without compensation is illegal and unreasonable. Prayed to set aside the termination of the workman and to reinstate him with continuity of service with all consequential benefits and full back wages.

2. The first party / employer bank has submitted written statement at Ex. 8, stating that the second party / workman was engaged as watchman purely on temporary basis for a period of 151 days from August 2000 to January 2001 at Local Head Office, State Bank of India, Ahmedabad. The workman, himself went to Kutch in search of employment after completion of temporary work at Local Head Office, SBI, Ahmedabad. The Lakadia branch of the bank in Kutch was damaged due to earthquake on 26.01.2001. The workman, being a watchman, was only looking after the damaged building of the bank. His name was also recommended to Personnel & HRD department, Head Office, Ahmedabad for recruitment for filling the post of security guards. He appeared in the selection process but failed in physical test held on 23.09.2002 at Ahmedabad. He could not qualify for final oral interview. The workman was neither given permanent appointment nor completed 240 days service in a year, therefore, he was not entitled for retrenchment compensation. Prayed to dismiss the claim of the second party / workman.

3. The second party / workman has not filed any documentary evidence in support of his claim. However, he has deposed himself at Ex. 19 in his oral examination.

4. The first party / employer has filed documentary evidence detailed as under:

Sl. No.	Name / Details of the document	Date of Document	Seriatim of Document	Type / Remarks
1	Register of Employment / Attendance register of Lakadia Branch, Kutch for the period from 28.01.2001 to 31.12.2001.	Illegible	10 sheets annexed to Ex. 16	True copy
2	Wage register for the period from January, 2001 to December, 2001.	Illegible	11 sheets annexed to Ex. 16	True copy

5. The first party / employer has not adduced any oral evidence.

6. Perused the records. Heard Shri P. C. Chaudhary, advocate for the second party / workman in light of his written arguments at Ex. 23 and Ms. Meenaben Shah, advocate for the first party / employer bank in light of her written arguments at Ex. 22.

7. The main point for consideration under reference is as under:

> "Whether the second party / workman Shri Rajubhai S. Vaghela has worked for 240 days in the calendar year preceding his oral termination dated 16.02.2002 and the first party / employer engaged juniors / new persons by not giving preference to the second party / workman?"

8. Ld. Counsel for the second party / workman has argued that the workman was engaged by the employer on 01.09.2000 as watchman in State Bank of India, Lal Darwaja at Ahmedabad. Subsequently, he was asked to work at Lakadia branch of the employer bank at Kutch w.e.f. 29.01.2001. The workman has completed much above 240 days in the year preceding his oral termination on 16.02.2002 without any notice / notice pay in violation of Section 25 (F) and was not gainfully employed during the period after his termination. His juniors and new persons were engaged by the employer bank in violation of the Section 25 (G) & 25 (H) of Industrial Disputes Act, 1947. Prayed to allow the claimed relief. He has referred (1) Salim Ali Centre for Ornithology & Natural History, Coimbatore & anr. V Dr. Mathew K. Sebastian, 2022 LiveLaw (SC) 377, wherein Hon'ble Supreme Court has held that employee is not supposed to prove the negative that he was not gainfully employed during the period, he was out of employment. Once he asserts that he is not gainfully employed, thereafter, the onus will shift to the employer positively and it would be for the employer to prove that employee was gainfully employed. (2) Jasmer Singh V State of Haryana & anr., 2015 (144) FLR 837 (SC), wherein Hon'ble Supreme Court has held that the termination of service of the workman without compliance of mandatory provisions of Section 25 (F) (a) and (b) is illegal when the continuous service for more than 240 days in a calendar year is established.

9. Ld. Counsel for the employer bank has argued that after the said oral termination dated 16.02.2002, this vague dispute was raised after two years vide reference order dated 08.04.2004. He has further argued in line with the written statement that when the Lakadia branch in Kutch had no requirement for the deployment of the workman, his name was recommended for interview at head quarter, Ahmedabad for the post of security guard but he failed in physical test held on 23.09.2002. She has cited (1) Shalimar Works, Ltd. V Its Workmen, 1959 II LLJ P.26 (SC), Civil Appeals Nos. 317 and 318 of 1956, D.O.J. – 08.05.1959, wherein Hon'ble Supreme Court, in a delayed reference made after four years, opined that it was beyond reasonable time and suggested not to grant the relief of reinstatement on such vague and much delayed reference. (2) Prabhakar Trimbak Vidwans V Stovec Industries Ltd., 2011 (3) GLR P.2310 (Guj.), SCA No. 6050 of 2002, D.O.J. – 03.03.2011, wherein Hon'ble Gujarat High Court has held that grant of back wages is not automatic on termination being found illegal. Workman is required to prove by credible evidence that he did make sincere efforts to get employment during 'interim' period.

10. The workman Shri Rajubhai S. Vaghela has produced himself at Ex. 19 in oral deposition. He has stated in his affidavit submitted in examination-in-chief at par with his statement of claim explaining that he was initially appointed on 01.09.2000 as Watchman in the employer bank / SBI, Lal Darwaja branch at Ahmedabad. He worked at Lakadia branch of the employer bank at Kutch since 29.01.2001 on his transfer order dated 26.01.2001. He was illegally terminated on 16.02.2002 orally without notice / notice pay despite completing more than 240 days of service preceding his termination on 16.02.2002. He has clarified in his cross-examination that he was engaged as temporary Watchman in the bank. Consequent upon the workman's application Ex. 9 for production of document, employer bank has submitted through list Ex. 16, undisputed true copy of register of employment / attendance register (10 sheets) and undisputed true copy of wage register (11 sheets). That apart, employer bank has not produced any oral evidence. Hence, the number of working days can be traced on the basis of aforesaid attendance register / wage register. The details are depicted under following paragraphs.

11. Number of working days as per Register of Employment / Attendance Register : **Table – A**

Sl. No.	Month & Year	Number of days, the workman has worked
1	January, 2001 (28.01.2001 to 31.01.2001)	4
2	February, 2001	28
3	March, 2001	31
4	April, 2001	28
5	May, 2001	29
6	June, 2001	28
7	July, 2001	29
8	August, 2001	27

9	September, 2001	27
10	October, 2001	25
11	November, 2001	26
12	December, 2001	27
Total		309 days

12. Even if the working days are counted from March 2001 till December 2001 from the aforesaid description in table - A, the number of days come to 277 days, which are more than 240 days in the year preceding the termination order dated 16.02.2002. It is further mentioned that on every sheet of register of employment, the workman is shown to have performed his duties for 12 hours per day.

13. Number of working days as per Wage Register: **Table - B**

Sl. No.	Month & Year	Net Amount paid (in Rupees)	No. of working days
1	30.01.2001 to 28.02.2001	5621	45 days
2	March, 2001	5747	Not reflected
3	April, 2001	5621	45 days
4	May, 2001	5621	45
5	June, 2001	7677	60
6	July, 2001	5513	46
7	August, 2001	5756	46
8	September, 2001	5756	46
9	October, 2001	6029	46
10	November, 2001	5719	45
11	December, 2001	6149	46
Total			470 days

14. The description of working days, shown in table – B, shows that the wages paid @ 1.5 day for 12 hours work / day. This documentary evidence has been submitted by the employer bank. The working days, counted either on the basis of register of employment / attendance register as shown in table - A or on the basis of wage register as shown in table - B, are much above 240 days in the year preceding the oral termination dated 16.02.2002. That apart, the employer bank has not produced any other evidence to show that the workman, who is said to be an ex-serviceman, was found unfit in medical examination. It cannot therefore, be believed that he was unfit or continuosly ill as provided under Proviso (c) of Section 2 (oo) of the Industrial Disputes Act, 1947.

15. It is an undisputed fact and unrebutted evidence of the workman at Ex. 19 that neither notice nor notice pay was given to the second party / workman before terminating him orally on 16.02.2002. It is abuntantly clear on the basis of evidence appreciated as above that the second party / workman was retrenched unjustifiably and illegally in violation of Section 25 (F) of the Industrial Disputes Act, 1947 without any legal excuse. However, the workman has not mentioned even the name of any junior / new person having been retained or engaged afresh at the time of his termination by the employer bank. It is thus proved on the basis of above discussed cogent evidence that the workman worked much above 240 days in the calendar year preceding his oral termination order dated 16.02.2002. The aforesaid issue is accordingly decided partially in favour of the second party / workman.

16. Now coming to the relief clause, the workman Shri Rajubhai S. Vaghela, in his cross-examination dated 18.04.2017 at Ex. 19 has stated to be 54 years of age. According to him, he has already attained superannuation age in the current year 2023. It is mentioned in the statement of claim at Ex. 4 that the workman is an ex-serviceman having been retired as Havaldar after completion of 18 years, 9 months of his military service. This gives an impression that he would be in receipt of regular defence pension. Therefore, in the totality of facts and circumstances of the instant case, it deems proper to award compensation instead

of reinstatement. Keeping the duration of service rendered by the workman with the employer bank from 01.09.2000 to 16.02.2002, the employer bank is directed to pay the second party workman a compensation of Rs. 100000/- (Rupees One Lac Only) within two months from the date of publication of award.

17. The reference is accordingly answered in negative to the effect that the action of the Chief General Manager, State Bank of India, Ahmedabad in terminating the services of Shri Rajubhai S. Vaghela without payment of retrenchment benefit to him is neither justified nor legal. The award is passed accordingly.

Let two copies of the Award be sent to the appropriate Government for the needful and for publication.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 481.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, **अहमदाबाद** के पंचाट (20/2017) प्रकाशित करती है।

[सं. एल- 12011/10/2017- आई आर (बी-II)]

सलोनी, उप निदेशक

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New Delhi, the 5th March, 2024

S.O. 481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.20/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen.

[No. L- 12011/10/2017- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present….
Sunil Kumar Singh-I,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 14th December, 2023

Reference: (CGITA) No- 20/2017

1. The Branch Manager,
   Bank of Baroda,
   Sharda Mandir Branch, Paldi,
   Ahmedabad(Gujarat)-380006.
2. The Deputy General Manager,
   Regional Office,
   Bank of Baroda,
   ACR Law Garden,
   Ahmedabad(Gujarat)-380006. …….First Party/Employer

The General Secretary,
D.K.Mazdoor Union,
17, Rameshchandra Colony,
Opp. Kalghidhar Society,
Kalapinagar, Asarwa,
Ahmedabad(Gujarat)-380016. …….Second Party/Workman

Adv. for the FP/employer : Shri K. V. Gadhia & Shri M. K. Patel.
Adv. for the SP workman/union : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/10/2017-IR(B-II) dated 16.03.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of D.K.Mazdoor union, Ahmedabad for reinstatement of Shri Rameshnath Gautam Jogi in the service of Bank of Baroda, Sharda Mandir Branch, Ahmedabad is legal, proper and justified? If yes, what relief the concerned workman Shri Rameshnath G. Jogi is entitled to?"

The matter was taken up today. First Party/employer is represented through Ld. Counsels Shri K. V. Gadhia and Shri M. K. Patel. None responded for Second Party workman. The reference dates back to 16.03.2017. The case is fixed for SP's evidence since 16.01.2019. SP/workman has not been adducing his evidence despite several opportunities. He was also afforded last opportunities on 18.11.2022 and 03.07.2023 to lead evidence but for no avail. It appears that the SP/workman is not interested to proceed further in the matter. In the circumstances, the claim under reference is answered to the effect that the said demand of the D.K. Mazdoor Union, Ahmedabad is neither legal nor proper nor justified for want of evidence. The award is passed accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 5 मार्च, 2024

का.आ. 482.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **देना बैंक** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय **अहमदाबाद** के पंचाट (75/2005) प्रकाशित करती है।

[सं. एल- 12012/62/2005- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2024

S.O. 482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.75/2005) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Dena Bank and their workmen.

[No. L- 12012/62/2005- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, AHMEDABAD

Present: SUNIL KUMAR SINGH-I,

Presiding Officer, CGIT cum Labour Court,

Ahmedabad,

Dated 7th December, 2023

Reference: (CGITA) No- 75/2005

The Regional Manager,
Dena Bank, Gokul Chambers,
Dhebarbhai Road,
Rajkot-360001. …….First Party/Employer

V

Sh. Raju Bhika,
Nava Kolivada,
Opp. J.K. Pan House,
Veraval,
Rajkot-360001. …….Second Party/Workman

Adv. for the First Party employer : Shri P. F. Zaveri.

Adv. for the Second Party workmen/union : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/62/2005-IR(B-II) dated 22.08.2005 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the Branch Manager, Veraval Branch and The Assistant General Manager, Dena Bank, Rajkot in terminating the services of Shri Raju Bhika w.e.f. 01.01.2002 is justified? If not, what relief the workman concerned is entitled to?"

1. The matter was taken up today. First Party/employer is represented through Shri P. F. Zaveri Advocate. None responded for Second Party workman. The reference dates back to 22.08.2005. The case is fixed for SP's evidence since 07.03.2018. SP/workman has not been adducing his evidence despite several opportunities. He was also afforded last opportunity on 30.01.2023 and another opportunity on 25.09.2023 to lead evidence. It appears that the SP/workman is not interested to proceed further in the matter.

2. Perusal of the record shows that there is no evidence on record to substantiate the claim of the workmen under reference. In the circumstances, the claim under reference is answered in positive in favour of the FP/employer and against the SP/workman.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

SARVESH KUMAR SRIVASTAVA Digitally signed by SARVESH KUMAR SRIVASTAVA Date: 2024.03.27 17:26:43 +05'30'